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THE FRENCH REVOLUTION AND RELIGIOUS REFORM

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THE FRENCH REVOLUTION AND RELIGIOUS REFORM

AN ACCOUNT OF ECCLESIASTICAL LEGISLATION AND ITS INFLUENCE ON AFFAIRS IN FRANCE FROM 1789 TO 1804

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BASED ON THE MORSE LECTURES FOR 1900 BEFORE THE UNION THEOLOGICAL SEMINARY

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PREFACE

THE troubles of a governmental system in which church and state were for centuries so closely identified that responsibility could be fixed upon neither have dislocated the proportions of both in the field of history. The ever growing disintegration and disorganization of ecclesiastical government in the Teutonic or Reformed Church, have in contemporary times discredited ecclesiasticism still further, and now its most modern forms appear well-nigh contemptible as historic forces. No wonder, therefore, that the latest generations have fallen into the natural but serious error of establishing for themselves, as a judicial standpoint, the total separation of church and state, not alone institutionally but likewise historically. The stubborn efforts to explain mediævalism with little or no consideration for the unifying political influence of the church are pitiful; the widely heralded discovery that the Thirty Years' War ended ecclesiastical politics is fantastic; the so-called secular history of the revolutionary epoch, relegating church influence to a few paragraphs, utterly fails to satisfy the demand for logical sequence. When we consider the splendors of the Roman Church in its long intervals of sanity, the sound

views it held of life, the brilliant leadership it exercised in philosophy, literature and art, the lofty aims it exhibited, the ameliorations of social life it secured, the constancy of its work, the continuity of its life, the comprehensive bond it was for all civilizing agencies—we cannot wonder at the hold it kept on men's imaginations even during its lapses into worldliness.

It is therefore essential not that we should study secular history as a discipline of church history, but that we should give due place to the church as a social and political force everywhere and at all times. The Roman hierarchy in France was in the eighteenth century the most influential estate of the realm. Its iniquities were long concealed by its traditional prestige. The masses were scarcely aware of the facts and they had a racial instinct of devotion to the papacy. During the long prologue to the Revolution the agitations of the public mind were confined to a minority of the nation; only a still smaller minority was able to draw distinctions, which appeared at bottom to be metaphysical; and a very few displayed capacity for leadership. It seems as if there were not even a handful of individuals who had an historic consciousness and the forward look essential in great crises.

Nevertheless it is distinctly true that the deeper the insight we get into the facts of the Revolution, the clearer it becomes that both in its preparation and in its initial stages it followed wholesomely and normally French precedent and tradition. Had its course not been obstructed, the current might have flowed smooth-

ly, though at best too rapidly, and continuous reform might have in some measure prevented spasmodic revolution.

But this was not to be; the current was dammed, the barriers were inadequate, and the flood wrought havoc in its inevitable outbreak. Not one of the causes generally assigned is approximately adequate to explain the sad phenomenon. It was not solely due to fiscal bankruptcy, for the nation found resources which enabled it to put forth unprecedented exertions in both offensive and defensive warfare. It was not entirely caused by the survivals of secular feudalism, for those survivals, though oppressive, were insignificant in comparison with the feudal burdens carried by neighboring lands where no conflagration was kindled. Nor was it even measurably due to that mysterious, secret upheaval attributed to mental exaltation, of which so much has been suggested and hinted, but about which nothing is known; the burgher and peasant masses of France were better instructed and more intelligent than their fellows elsewhere, but they only worried themselves into rebellion, exhibiting no comprehension whatsoever of their plight or their task. Doubtless all these causes worked together, but the mightiest obstructive force was ecclesiastical fanaticism, both positive and negative. This at least is what the following lectures are intended to suggest. The deism and atheism of the "philosophers" were alike organic and their supporters were sectaries; they may therefore be regarded as religious forces for the purposes of our discussion;

though they belonged neither to the category of revealed nor that of natural religions, their votaries were exact, strict, scrupulous, we may even say conscientious, in their devotion.

The narrative of this volume follows as closely as may be the course of legislation and parliamentary debate. For the rather unsatisfactory reports of the latter reliance has been placed in most cases on the "Moniteur," the "Archives Parlementaires," the voluminous "Histoire Parlementaire" of Buchez and Roux and the original documents contained in the vast storehouse of printed sources published by the Municipal Council of the City of Paris. The secondary sources, though likewise somewhat confusing in their accounts, are abundant. It is simply a burden to the reader to distract the attention and disturb the eye by giving references for every statement of well-known fact. Accordingly the footnotes have been confined to points of more special interest. The student who desires to follow and verify the context by personal research, can find most of the sources in the above collections under the corresponding date; those suggestions or indications not easily found are designated by footnotes. By far the largest number of the authorities are on the shelves of the Library of Columbia University and of the New York Public Library. For a few others I have been indebted to the National Collections in Paris, and to the libraries of Harvard and Cornell Universities respectively. The Andrew D. White collection of Cornell is especially rich in mate-

rial. As to the spelling of proper names there is such diversity in the original authorities that it seemed best to follow the modern usage of French writers.

The substance of this book was delivered in the form of eight lectures before the Union Theological Seminary of New York on "The Morse Foundation." It is printed according to the requirements of the endowment, but the text has been expanded to more than twice the amount actually read. For the courtesy and good will shown by the officers of the Union Seminary in connection with the preparation, delivery and publication of the lectures the author makes grateful acknowledgment. W. M. S.

Columbia University, October 1, 1901.

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INTRODUCTION

INTRODUCTION

Libertas: quae, sera, tamen respexit inertem,
Candidior postquam tondenti barba cadebat:
Respexit tamen, et longo post tempore venit, etc.
Vergil's Eclogues, i. 28.

IN less than a single generation of mankind the French people were transformed; comparing the close of the eighteenth century with the opening of the nineteenth, French society was in that short space of time almost transfigured. It was a pardonable exaggeration with which in 1795 Boissy d'Anglas exclaimed "We have lived six centuries in six years." The French nation was already old when the epoch displayed its first phase; and, as the Latin poet has expressed his thought in a curious parallel, while sporting with its fellows in the thraldom of feudalism, its "hair began to fall gray under the shears" before it gained its modern liberty. The Revolution, therefore, when it did come, was quite sure to be as it was, both hasty and thorough; in consequence there was no smooth transformation, but instead there were the roar and crash, the turmoil and dust of ruin. The contemporary mind, whether alert or pensive, found these outward and sensible appearances more interesting than the inner processes of construction, which were really more noteworthy. It is perhaps only now that, after the subsidence of the turbulent agitation, we can enumerate the astounding results.

In the second decade of the nineteenth century the old familiar things of the eighteenth were already afar off. The names of provinces hoary with age survived, but as memories only; feudalism, still rampant in 1780, seemed in 1810 to have been a nightmare that had vanished with the dawn; mediævalism had been exorcised like an evil spirit; titles of ancient nobility still tripped over men's lips, but as honorific designations merely; the real distinctions of life bore the names, not of French landed estates, but of recent battle-fields and sieges in distant countries; the most coveted decoration was the red ribbon of honor controlled by an imperial democracy. There survived not one of the effete social habits of France; every human interchange of relations in commerce, industry, trade, agriculture, education; in the state, the church and the family—all were new and different from the old. It is true that the confederation of European monarchies which momentarily overwhelmed the French democracy did, a little later, hang on the walls of Paris an obsolete standard to flap there idly for a brief hour. Louis XVIII. but served by his inglorious reign to remind a fervid people of territories lost, of transitory glories, of national shame, of an antiquated absolutism revived for a time in Europe as the expression of national unity—elsewhere in reality, but at Paris as nominal and shadowy, despicable and hateful in the popular opinion of all France. Like other cast-off garments and institutions, the absolute Bourbon royalty was destined for the rubbish heap where it now reposes.

This was the radical nature and these were the permanent results of a thorough and remorseless revolution, justly enough designated French though in reality European. It burst forth in France because there it had been longest in preparation and there the

crust of conservatism was thinnest,[1] but its causes are remotely traceable throughout all Europe and its influences left no European land untouched. The rapidity of its course is the riddle of modern history, and of all the swift transformations which it wrought, the quick and utter disintegration of the social fabric in France is the most extraordinary. This dizzy movement has hitherto been studied from various sides, more particularly the political and fiscal. Some efforts have been put forth to examine the social history of the epoch, and a few valuable volumes have been devoted to the ecclesiastical revolution as such. But the secular effects of the shocks which gradually shattered Ultramontanism in France have not received the attention they deserve. The feudal church was the cement of French society to a higher degree than the absolute monarchy. The overthrow of the feudal church inaugurated the modern era.

The intelligent observer of that interesting philosophic toy, the gyroscopic top, is aware that its noddings, turnings and backings are due to the composition of forces that can be separated and described. Nevertheless what actually happens is not what is expected. Likewise the composition of forces in history produces results which defy prediction. Revolutions in history, unlike those in physics, turn moreover on several axes simultaneously, the hidden ones being generally the more important. Not until the social history of the revolutionary epoch has been written in a period which, considering the intricacy of the subject and the boundless material to be mastered, must still be far dis-

[1] See the remarkable predictions of Mably, Des Droits et des Devoirs du Citoyen, Paris, 1789. The book, though written in 1758, was not published until after the author's death. It is a brilliant examination of contemporary thought and tendencies.

tant, can our analysis be complete; but meantime the experiences of the French people in its religious life can at least be outlined. In order to understand them the threads of one certain process in history must first be caught up and re-knitted. The ecclesiastical conditions of feudal and royal Europe were basic to the entire superstructure of fiscal and administrative tyranny, which disappeared in England and America a century before it vanished entirely from French soil and partially from the rest of Western Europe.

The expansion of social institutions for the sake of fuller personal life, individual and collective, is clearly the most desirable of mere earthly things. Slavery was a marked advance beyond the butchery of captives taken in war, and serfdom is a state infinitely superior to that of slavery; the winning of civil and political liberties by man in the mass has lifted the race to a still loftier platform; when social liberty too is secured, when justice is equitably administered and human nature approaches perfection, the earthly Utopia will be at hand. But the projection of even the most admirable institution down the ages, until it becomes an anachronism, is intolerable, for it checks the transition from uniformity and simplicity to variety and complexity, which we call progress. Slavery and serfdom, though once absolutely good, are to-day abominations wherever they survive; there are likewise forms of mediævalism equally abominable, to which men cling with fatal conservatism.

We would not be alone in thinking that the single greatest fact of secular history was the emergence of Christianity from behind the veil of persecution, not as an adjunct of the empire but as a distinct human power, with a complete, separate organization of its own. It is well-nigh absurd to speak of church and

state as two in the heathen world, but in the Christian world they never were and for this reason they never can be one.[1]

The single, all important question throughout the Christian ages, from the day when Christianity was recognized by the state, has been the relation between two utterly distinct powers, the spiritual and the temporal, each claiming its share of control over the individual man. It is self-evident that this relation can take only one of three forms: the temporal authority may control the spiritual, the spiritual authority the temporal, or they may endeavor to run equal and parallel. In general, Byzantium represented the first of these three relations, Rome the second: the effort to establish the third is represented by the series of treaties known technically as Concordats, which mark in successive stages the failure of both the other plans. The survival in some form or other of each or all of these three ideas within Christendom is the stumbling block of contemporary life. In the nature of things we ought no longer to consider the relations of church and state; our attention should be focussed on something far different, the relations of government and religion.

The thirteenth century is justly regarded as the age at which the twin systems of feudalism and Romanism reached the culminating point of their constructive work. Thus far they had assimilated and guided the intellectual movement of Europe completely, beneficently and almost without opposition. But when Pope Boniface VIII. (1294) reasserted the temporal as well as the spiritual supremacy for St. Peter's chair, the general and embittered resistance to his claims revealed the

[1] See the epochal book of M. Fustel de Coulanges, La Cité Antique.

impotence of the papacy.[1] It was in vain that recourse was had to physical violence for the repression of error: spiritual control has no basis except in voluntary assent, and the change already begun was only retarded not prevented. Almost simultaneously the system of land tenure based on defensive military power, which we call feudalism, met with a similar reverse. Charles the Great, Otto the Great, and the Crusades mark the successive epochs in which European society, regardless of local or class distinctions, put forth common exertions for the common safety. One and all, these defensive wars displayed the impotence of feudalism for the organization of the impulses and aims which were common to the West, and which demanded a political and social system competent to realize them in offensive warfare. The careful student of history can remark throughout the fourteenth and fifteenth centuries a continuous, spontaneous, though in the main unconscious, evolution of the forces destined to overthrow feudalism in its strongholds. In the necessary conflict between the social and ecclesiastical authorities, as represented by the church and empire, the former was in the main victorious; in the scheme of public life it relegated military force to a level beneath that of moral power, and for the man it exalted the value of love, charity and holiness as the aims of private life.

Amid these very conflicts, however, the ecclesiastical, theocratic regime suffered its final, overwhelming and

[1] There is a striking contrast between Canossa, where the emperor was humbled by the Pope, and Anagni, where the Pope, arrayed in all his ecclesiastical pomp, was made to feel the rude buffets of Sciarra Colonna, and escaped with life only by the intervention of Nogaret, the agent of France in his overthrow. Yet the comparison halts, for the French monarchy had then supplanted the empire as representative of secular power.

irreparable defeat. In its struggle for supremacy it had, unconsciously at times but for the most part consciously, assimilated feudalism; quite unwittingly it found itself doomed to the fate of feudalism. Absolute itself in the assertion of spiritual power, it stimulated the assertion of absolute temporal power as made by temporal feudal princes, and when political absolutism took the form of princely despotism, the papacy with its ecclesiastical absolutism became a temporal power itself. But not of the first order. The secular spirit had swept humanity with it. Principalities became kingdoms and kingdoms became nations and nations became states throughout the western world. Imperial Catholicism disappeared in the disruption of imperial temporal power, Catholic ecclesiasticism was confronted by the menace of independent national churches. Local centralization seemed destined to replace what was left of universal centralization in the church, just as it had already shattered the universal state; in the political crash Rome was but a fragment of feudal absolutism and so far contemptible. The Pope as a secular prince was but an Italian royalet, elective at that. The close of the fifteenth century marked the end of all effort to restore the pagan idea of unity in church and state. The question ever since has been one merely of their relations.

As yet, however, neither feudalism nor ecclesiasticism had met with organized opposition. This was at hand. The successive revivals and reforms which constituted the new birth of humanity in art, in letters, in religion and in politics, were, each and several, conscious opponents of the passing social phase. Though disdaining it, they were one and all forms of the protest which found its climax in Calvinism, religious, political and social. Calvinism was not merely a dogma;

it was and is a system embracing the totality of life, intended to supplant entirely the scheme of traditional authority as exemplified in Roman and feudal society. From its inception onward to 1650 it represented the vanguard of the coming age. It attacked the hierarchy, social, political and ecclesiastical, with the sword of the Bible as the only infallible rule of faith and conduct. Shielding itself behind the buckler called the right of private judgment and using the watchword of reform, its battle-cry was the call for a return to more or less completeness of primitive Christian living. Its chosen style was "Reformed" not "Protestant"; there was to be no break of historic continuity. But its recognized enemy was the theology of Rome as central to the whole despised system of religious and social tyranny.

In the struggle for ascendancy between Rome and Reform blood flowed in torrents. In France the result was the formal defeat of Calvinism which took its revenge in furnishing the data for the radical philosophy of many among those who suffered; in Holland the conflict produced the political liberties to a new nation emancipated from Spain, the land which under Philip II. represented the extreme reaction of mediævalism; in Germany the Thirty Years' War was ended by a treaty which recognized the rupture of the European state-system and established public law not exactly on a secular but at least on a political basis; England, with elements both Anglican and Puritan, became the foremost Protestant power, just as France, purged in the furnace of civil war, was thereafter the most intelligent and vigorous Catholic state.

I

REFORM AND REVOLUTION

I

REFORM AND REVOLUTION

THROUGHOUT the eighteenth century the critical spirit was abroad. Among the Teutons it was largely positive and constructive because successful in reforming every department of life; among the Latins it was negative and destructive because thwarted in the spheres of church, state, society and learning. In the north the social movement was for the most part unsystematic, practical and adapted to local circumstances; in the Roman Catholic state system it grew revolutionary, systematic and radical in almost exact proportion to the limitation by royal or ecclesiastical authority set upon its dimensions as to numbers and permitted scope. The reply to the Council of Trent, to the Society of Jesus, to the Index, was long in coming wherever the reactionary influence prevailed; when it did come, it was in the mordant, defiant language of Voltaire, in the appeal of Rousseau to an authority which was not that of Rome, nor of God in his Word, but which was that of Humanity as represented in a supposed state of nature. From this destructive criticism emerged what is specifically known in modern history as the revolutionary spirit, the central principle of which is an extreme and perverted conception of what the Reformation called the right of private judgment.

To the Catholic the Reformer was irreligious, to the Reformer the Revolutionary was doubly so; yet the difference between the two latter was essentially one of degree and religious attitude, while that between the two former was at bottom one of historical feeling. The Reformed Church gravitates at once in any moment of uncertainty toward Catholicism rather than toward the system of the Revolution. It is a question of accepting or rejecting a supernatural authority, of Theism more or less extensive and comprehensive against Atheism more or less radical.

Bacon and Descartes began the examination of the eternal verities in the light of reason, compelling the adaptation of Christian creeds to the truth of science as far as discovered. Hobbes, Spinoza and Bayle mark the transition into the narrowest conceivable Theism, discarding alike Christianity and revelation, setting the temporal power above the spiritual, subjecting the Bible to the same rules of criticism as would be applied to profane literature. In Hobbes appears as a philosophic force the theory extracted by a Calvinistic reformer, Francis Hotman, from the Bible, and destined to become the dogma of all political philosophers down to the threshold of our own time, the theory of a contract between ruler and ruled. Used by Hobbes in the interest of absolutism, it was remodelled by Locke to uphold the English Revolution of 1688, and in the same form it is fundamental to the institutions of our own Revolution of 1776. Finally Rousseau revamped it as the basis of the extremists of 1786 in France. The concept of sovereignty in the abstract, royal, ecclesiastical, aristocratic or imperial, formed by Bodin, was thus gradually transmuted into that of popular sovereignty expressed by majorities.

It is to be remembered that the number of thinkers

who busied themselves with such subjects in the seventeenth century was very small. But in the eighteenth this was changed and the institutions of higher learning produced both in Protestant and Catholic countries a class of men who, with the spread of education, found their account in writing for the press; men of science, of letters, of philosophy and politics. Destitute for the most part of profound convictions, they revelled in the play of the intellect and deployed a versatility not often paralleled and never surpassed. The type of this class was Voltaire, to whom nothing was sacred. In his hands the theories of Hobbes, Spinoza and Bayle were further debased from a limited Theism into a system of vague Deism.

It was here that the unprincipled, uneducated and unbridled spirit of Rousseau found and seized the revolutionary doctrine. Sophist and vulgarizer, he was the anarchist of the epoch, depicting with fire and fluency the vices of civilization, extolling the phantasm which he called the state of nature, and struggling to undo all that mankind had achieved throughout a long and painful evolution. It is likely that his influence would have been slight, if an abler man, the Abbé Mably, had not introduced into his Utopian dreams an historic and ethical framework sufficient to give them some appearance of reality.[1] Voltaire was the prophet of the Constituents and Girondists, Rousseau of the Robespierrists. The former cared for nothing but emancipation from theology and ecclesiasticism, using their Deism as a means to an end; the latter were stanch, convinced Deists, anxious for the stability of their Utopia, which they felt had no foundation except in their faith. The former were transitional, the latter

[1] See Guerrier, M. W: L'Abbé de Mably, moraliste, et politique, Paris, 1886.

desired to abide in an earthly paradise of their own making. The former were latitudinarian, the latter were narrow fanatics.

But what was considered the new knowledge was not complete either in the scepticism of Voltaire or in the deistical sectarianism of Rousseau. The Encyclopedia of D'Alembert and Diderot contained likewise the learning of the Physiocrats or Economists: to wit, the doctrines of Quesnay and Turgot as expounded by the latter thinker. These men, assisted by the humanitarian revolt against legal torture and excessive punishment, of which Beccari the Milanese is the best known exponent, were of course concerned with philosophy and politics rather than religion. The rising importance of manufactures and the influence of general enlightenment on criminal jurisprudence were substantive factors in the social and political problem. Great as Montesquieu had been, he clung to royalty as a focal institution, and suggested reform, the necessity of which already cried to Heaven, along the lines of the English constitution. With the same conservatism Quesnay and Turgot believed it an easier task to reform one man, the prince, than to change the masses; they too were royalists. But nevertheless they found the inspiration for their appeals to nature, by which they meant the nature and nature's God as described in the Scriptures; neither in Deism nor in Atheism, but in a clear definition of absolute right and wrong. What they said was not new, it had been from the beginning in the consciences of men, and therefore in literature, both profane and sacred. Their application of it was electrifying because they showed how little existing governments, hitherto engaged in making war and consolidating territories, could fulfil their function of executing justice without a scientific ex-

amination of social economy and the enforcement of that justice which is in the bosom of God. Industry and morality, it was proven, were at least tantamount to courts and armies. This attitude of mind cannot justly be characterized as religious, nor can it on the other hand be stigmatized as essentially irreligious or sceptical. But the Physiocrats were enthusiastic, inflexible, intolerant in a rather neutral creed and almost as violent sectaries as the extreme radicals.

It is utterly impossible to determine the exact proportions in which these three revolutionary schools secured adherents. Theoretically the nobles in great majority were under the influence of the Encyclopedia, advocates of reform, social, political, religious. The burghers of France in considerable numbers were saturated with Voltaire's contempt for Romanism and Rousseau's scorn for monarchical absolutism; in the mass they were for overthrowing not religion nor monarchy, but the whole ancient system of alliance between them. The great lowest stratum of artisans, laborers and peasants, was simply discontent. Blindly aware of the agitation about them they rushed first in this direction and then in that; now royalist, now democratic; now Roman, now radical. They groaned under the inequalities of justice and legal administration, under the heavy hand of the monarchy in taxation, under the tyranny of the church in every social relation.

The word "Infamous" with which the writings of Voltaire abound does not appear to connote any of the ideas so continually attached to it by the orthodox. It is not Romanism, nor Christ,[1] nor Christianity, nor

[1] There is, I think, but a single instance in Voltaire's writings—viz., in one of his letters—where the definite article is spelled in full because of an intervening modifier, and in that instance the article is feminine. This would seem to indicate

the church, which Voltaire designates by it. Little as he respected any or all of these, he had in mind the real and absolute tyranny secured by a union of secular and ecclesiastical power. We wonder whether the perfect adaptability of Romanism to each and every form of human government is its merit or its fault; the fact is certain, and the identification of the two powers which was complete in the heathen world was attempted with a degree of success so high that it was not far from complete under the last three Louises in France. Under it there was no personal liberty, no equality of civil or political rights, least of all the fraternity which is central to the teachings of Christianity. The bloody centuries of Roman decadence were consequently the only ones remembered, while those in which the many and splendid services of the church illuminated history were forgotten. The miasmatic lights of a rationalistic philosophy were chosen by revolutionists to be substituted for the ideals of Christianity, petty expediency for comprehensive morality, the despotism of secular power for the systematic tyranny of an ecclesiastical hierarchy.

The state of society in France about 1786 was therefore indescribably complex from the irreligious as well

the personification of a system by the phrase L'Infâme, although of course it is merely a slight bit of evidence corroborating a general impression. In the Henriade he seems to give his real estimate of a true church in the well-known words:

L'Église toujours une, et partout étendue,
Libre, mais sous un chef, adorant en tout lieu
Dans le bonheur des Saints la grandeur de son Dieu,
Le Christ, de nos péchés victime renaissante,
De ses élus chéris nourriture vivante,
Descend sur les autels à ses yeux éperdus
Et lui découvre un Dieu sous un pain qui n'est plus.

Finally, the strongest proof of our contention will be found in the general tone of two short pieces, Relation de la Mort du Chevalier de La Barre and, especially, the Cri du Sang Innocent. Both are in the Moland edition of 1883. Tomes xxv. 501 and xxix. 375. They were written with an interval of ten years between them.

as from the religious point of view. There was the church, outwardly comprehensive and dominant, overwhelmingly Roman and Ultramontane, but with numerous officers and adherents who were saturated with Gallicanism and Jansenism. There were the Protestants, few in number, but powerful in resources and intellect. These two social powers may be reckoned as conservative and positively religious. Finally, there were the three secular, revolutionary schools of Voltaire, Rousseau and the Economists. These may be reckoned as radical and negatively religious. There was no stratification horizontally or vertically in the nation at large. Most of the mass was inert, much of it was fluid, and there was a portion neither one nor the other, but like the loose soil rendered friable by frost and ready for the action of stream and flood. From this element could be drawn a numerous following for whatever movement was at any given time most active and popular. Such disintegration of the lower social strata was mainly due to the ecclesiastical discord just mentioned; the factions of Jesuits, Gallicans, Jansenists, and Protestants were savagely embittered.

At the close of the seventeenth century the royal conscience of France was itself uneasy and oversensitive. As the ally and supporter of the papacy, Louis XIV. fell on evil days. The reforming zeal of Innocent XI. had spread into France, and some of the bishops contested the claim of the crown to name candidates for vacant livings, or to administer any ecclesiastical revenues whatsoever, even those recently endowed by secular authority during episcopal interregnums. Determined to overthrow nepotism and simony, the Pope went so far as openly to attack the secular power, by withdrawing from the French and other embassies at Rome the cherished right of asy-

lum. The king threatened rupture; the clergy and nobles, assembled at Paris in 1682, formulated the principles of a national church, and these were promulgated by royal ordinance. They were the expression of the religious consciousness and convictions of France, viz.: that the popes had divine authority in spiritual but not secular affairs, that even this was limited both by the conclusions of the Council of Constance regarding the powers of general councils, and by the prescriptions and usages of the Gallican Church; finally that without the sanction of the church the decisions of the Pope are not infallible. While these four propositions were revoked under an agreement with Innocent XII., and by pressure from the courtiers and Jesuits who controlled court opinion, they represented then, and continue to represent, the attitude of an immense number of devout but enlightened Roman Catholics in France. The Gallican movement had numerous adherents throughout the eighteenth century, being in some respects unusually powerful in 1789.

The earlier years of that century marked the climax and incipient decline of the absolute monarchy. Rich and intelligent, both court and society in France salved the wounds to their pride, which had been inflicted through their military and diplomatic reverses, by the practice of a voluptuous æstheticism. Their religious confessors were in the main Jesuits. Their tendencies were consequently Ultramontane for the most part. Yet the splendid intellects of the time were sternly logical rather than authoritarian, and while some like Fénelon, Massillon, and Bossuet knew how with sweet reasonableness to steer the middle course, yet even they were Gallican at heart. The "Télémaque" of Fénelon was a protest against Jesuit education, and cost its

apostolic author his banishment from court. Bossuet was Gallican in the king's behalf, but Ultramontane in his attitude toward the Protestants; such were the splendor of his style, the beauty of his thought and the pathos of his mental attitude that his ingenuity as a trimmer passed almost unobserved.

There was one manifestation of the religious temperament which must be recalled as a movement similar yet apart, that of the Jansenists. The concept of perfect human freedom, as realized only in dependence on God, had in the early church produced the antipodal conclusions of Pelagius and Augustine: that men uncorrupted in Adam's fall might by the exercise of their own wills become the subjects of divine grace, that Adam's fall produced infinite guilt which could be relieved only by divine grace prevenient and predestined for some but not necessarily for all. The Jesuits were from the outset characterized by intellectual versatility rather than profundity. Nominally vassal to the papal see, they were as really its master as the feudatory Charles of Burgundy was once the superior of his technical suzerain Louis XI. Devoted to the furtherance of Christian life, they were in foreign lands successful missionaries, because of adroitness and adaptability rather than in consequence of fearless assault; in European lands they deployed their activities as the educators of all classes, notably the great, and in this function such theology as they professed leaned toward the side of Pelagius, while their peculiar genius found its employment in a casuistry which turned the moral law into a supple and courteous minister of both the statesman and ecclesiastic. Despising consistency, they first rolled back the tide of the religious Reformation by an appeal to conservatism, and then completely revolutionized education by fearless innovation; they threw their

adherents into intellectual subserviency but turned scholasticism into contempt; they discredited the Inquisition throughout enlightened Christendom but established it in Portugal. In heathendom they displayed still another form of inconsistency, for they subordinated the effectual conversion of men to the interests of their own corporation. Intelligent, versatile, pure in their living, the Jesuits discredited the older monastic orders and rendered contemptible the degraded existence of the regular clergy as Erasmus depicts them. They were invaluable guides in every form of government; but, themselves the creatures of a despotism the completest ever devised, they had a natural affinity for absolutism. The kings of France fretted under their power, but could not dispense with their assistance.

The Augustinian view of divine grace as precedent to human freedom was focal to the Reformation of the sixteenth century, and found its most extreme and logical interpreter in John Calvin, a Frenchman of Picardy.[1] But the ideas of an infallible Bible replacing the infallible church, and of the God-man, Christ Jesus, as the sole mediator, replacing both the secular hierarchy and the Christian priesthood, as alone the prophet, the priest, and the king, were intolerable to the great middle classes of Romanism, though most welcome to vast numbers of the aristocracy. It was Jansen, the Dutch bishop of Ypres, whose "Augustinus," appearing posthumously in 1640, set forth a system of fourth-century theology seemingly adapted to those who wished to remain within the precincts of

[1] James Russell Lowell has an interesting parallel, in his essay on Dante, between the political philosophy of Augustinians in the thirteenth and seventeenth centuries: Dante's People not for the King, but the King for the People; Calvin's Possible to conceive a people without a prince, but not a prince without a people.

the Roman Church. Rejecting papal infallibility, the dominant dogma at Rome, Jansenism accepted the authority of the ecclesiastical councils, and emphasized the high view of election. Innocent X. condemned the system in 1653; a long, embittered quarrel ensued and even the bull "Unigenitus" of Clement XI., issued in 1713, created only the semblance of a peace.

In the assurance of their own election the Jansenists felt themselves to be a spiritual aristocracy, fitly and naturally allied with the secular nobility. In this way at the very outset they became the supporters of Cardinal de Retz and made an irretrievable misstep in politics. Socially they gave an example of austerity at Port Royal, impossible of attainment by society at large, and their immediate influence was insignificant. But in the permanent, enduring, unshaken forces of French life they have a name to shine; the age of Louis XIV. claims as its own the combined renown of Pascal, Corneille, De Sévigné, and La Rochefoucauld, but one and all these Olympians were the stern opponents of the royal policy, both religious and political. It was by the immortal literature of philosophy, poesy, satire, and wit that Jansenism survived as a vital force in national life, and sustained the Gallican party in the Roman Church throughout the years which were the seed-plot of the Revolution. Persecuted as they were, mighty names were yet associated with them; names like those of the chancellor Pontchartrain or the splendid procurator Henri d'Aguesseau; and no less a personage than Noailles, Archbishop of Paris, protected them. The abolition and razing of Port Royal, the persecution and exile of its adherents, the fulminations of the papal see alike failed in their end; when the Regency succeeded, Jansenism took a new lease of life. There was such a

revival of Gallicanism that men on both sides of the Straits of Dover talked of uniting the Gallicans and Anglicans to resist papal usurpations.

The political influence of the Gallicans had reached by the middle of the eighteenth century proportions that were little short of portentous. The bull "Unigenitus" or the Constitution, as it was generally called, was really the work of Letellier, Jesuit confessor of the king, and emanating from a French prelate was a measure grateful only to the higher clergy. Nevertheless the lower priesthood and the masses of the people dumbly accepted it by the force of habitual obedience to the ecclesiastical hierarchy.

Yet, though the Constitutionists were the more numerous, those opposed were many; and on their side as opposed to the new constitution of the papacy for France was what may be called, with some strain on the word, the ancient constitution of the country itself. According to the ancient custom and manner there still remained one powerful check on the royal despotism, the *parlements* or courts of justice, and that of Paris was easily the most important of them all. What with the persecution of Protestants and Jansenists by a royal absolutism under Jesuit influence, and the exorbitant taxation incident to court extravagance, and the extortions of the higher clergy, the scarcely suppressed and widespread discontent at last found vent in 1752, through a decree of the Paris *parlement* forbidding the outrageous but common practice of refusing the sacraments to those who denied the authority of the papal bull. This was a home thrust at the legislative power of the crown, and in 1753 the *parlement* was banished.[1]

[1] Isambert, Anciennes Lois XXII., 251. D'Argenson, Mémoires, Paris, 1857, I. lxxviii. civ., V. 215. Barbier, Journal historique et anecdotique du règne de Louis XV., Paris, 1851, IV. 465.

Nowhere were the Jansenists stronger than in the guild of lawyers and the provincial *parlements* followed the lead thus given. There was a sudden outburst of sympathy with the guardians of French custom far and near throughout the land. There were even assertions of weight that the nation was above its kings.[1] It was clear that a popular upheaval was possible and probable; the Paris *parlement* therefore was recalled on its own terms and the clergy suffered for their contumacy. When, four years later, in 1756, the king declared his Grand Council to be sovereign, the *parlement* of Paris again defied him and promulgated a measure delimiting sharply the powers of the Grand Council. The third clash was even more violent. A month later began the Seven Years' War, the king by edict ordered new taxes, the *parlement* refused to register the edict as law and it was abolished in December.[2] But the absolute authority of the crown proved to be merely nominal, for without the action of the *parlements* not a sou of the taxes could be collected, and three months later the recalcitrant court was restored. In truth public opinion was irresistible and by it both *parlement* and army were controlled. Not only could no taxes be collected, but, what was vastly more important in war time, no loans could be placed without the security, more moral than real it must be confessed, of a judicial registration. It was the Ultramontane clergy driven to bay, which, as early as 1750, began to recall the fact that once there were estates of the realm, and to demand their assembling in order to substitute a more pliant power in the representation of popular rights and public opinion for the stern, sturdy Jansenistic *parlements*.[3] The

[1] Barbier, Journal Historique, etc., IV. 424, V. 28, 238.
[2] Barbier, V. 163 *et seq.*
[3] D'Argenson, VIII. 247. Barbier, IV. 22.

grandes remontrances, the bitter protests of the latter, were too legal, too correct, too terse, too historical, to be longer endured. The Estates, however, were not called until forty years later, and when they met they proved more obdurate than even the *parlements.*

II

VOLTAIRE'S INDICTMENT OF ECCLESIASTICISM

II

VOLTAIRE'S INDICTMENT. "L'INFÂME"

VIEWED from without and in the large, the ecclesiastical machinery of France worked fairly well during half a century. In spite of friction between the throne and the Pope, the King of France still deserved his title of Catholic Majesty; in spite of the wide cleft between the princely hierarchy and the plain parish priests, both professed and practised obedience to the Roman See; and in spite of the extreme divergence between Ultramontanes and Gallicans, the powers of church and state were so closely identified as to present a wall of almost impregnable defence against dissent or heresy. This alliance made no pretence of mildness; the sword of spiritual and temporal authority was one, and it was literally a sword. In an age of faith, excommunication, entire or partial, ecclesiastical or social, is a deadly weapon; the church used it without stint for the state, as the state put its police system without reserve at the service of the church. To be orthodox was to be a patriot; to be a heretic, Protestant, philosopher, or Jansenist, was to be so far a traitor. Thus thousands upon thousands were terrorized into silence and compliance; thus throngs of the truest and wisest were sent into exile; thus the dungeons were packed, the headsmen kept busy; and thus the scores of torture chambers, with their hideous apparatus of rack, boot, thumbscrew, and furnace, were guarded by the state

through its soldiery, while the vaults of those hells on earth resounded with the groans of victims, no less pitiful because they were drowned in the minatory psalmody of monks and priests.

It requires the free play of a well-trained historic imagination to apprehend the horrors of that despotic infamy which as so constituted Voltaire insisted should be crushed out. The latest agreement nominally in force between the Pope and the King of France was the Bologna Concordat of 1516 (Francis I. and Leo X.), which, as has been explained, balanced so evenly the powers of church and state that the latter was scarcely distinguishable in its authority from the former. Wise men within the hierarchy fretted and chafed without ceasing under the bonds of a control from beyond the Alps, and it was Bossuet himself who led what is variously styled the Cismontane, national, or Gallican movement of 1682, an agitation which materially enlarged the king's rights in ecclesiastical affairs (*régale*). This position of semi-independence was, however, abandoned almost at once by Louis XIV. in his dealings with Innocent XI. during 1693, and thenceforward the temporal influence of the Vatican steadily increased in scope, and to the detriment of the secular power, until in 1764 the Jesuits were suppressed in France as within a short period they likewise were elsewhere throughout Europe. Their fall was precipitated largely by the decrepitude of the order, which had tumbled into the pit digged for its enemies. In Portugal it meddled with politics, and was banished by Pombal; in France it threw itself into financial speculation, and the ruin it brought on itself by doubtful money operations in Martinique carried many great banking-houses down with it and brought on a panic. In other Catholic lands it was suspected

both of political meddling and financial trickery. Final destruction overtook the Jesuits through the reaction due to Clement XIII.'s arrogance. He dared to excommunicate and depose the Duke of Parma, feeblest of many foes, for limiting the validity of the papal rescripts within his duchy. Such was the general bitterness throughout Catholic Europe that in 1773 Clement XIV. issued the brief abolishing the Society of Jesus in Rome. Frederick the Great and Catherine of Russia gave asylum to the exiled Jesuits. The former declared them the best of all the priests; the latter thought she could use them as political emissaries. The effort to revive Hildebrand's preposterous claims thus failed, but in France, at least, there was still left under the absolute control of Rome the question of inducting into their sees bishops appointed by the crown. This was really the nucleus of the whole matter. A bishop of the old monarchy in France was well-nigh a reproduction of the great feudatories known to Philip Augustus and Louis XI.; he was a person of enormous influence. Not without reason, he was defined to be a great gentleman, with a hundred thousand livres of income.

The overthrow of the Jesuits in France was speedily followed by that of the Jansenists. The latter fell into a disrepute well deserved. They had degenerated into mystics and miracle-mongers as far as their feeble religious activity extended. But their true vigor was still in evidence by the vigilance and virtue of the *parlements*. Pompadour and her minister Choiseul had measurably favored Voltaire and the Physiocrats; they saw in the *parlements* a means of postponing the deluge predicted by the besotted king. But when Pompadour died, and the vulgar Du Barry reigned in her stead, there came a swift reaction, and

Choiseul was disgraced in 1771. Philosophers, poets, wits, lawyers, reformers of all degrees were thrown out of court and the *parlement* of Paris was abolished, remaining in atrophy until Louis XVI., in despair, recalled its members and reëstablished its organization. France was amazed, but the anarchistic atheists saw another prop of society fall in the overthrow of the lawyers; they jeered at this new discomfiture, and nothing was done. Jesuitry and Jansenism were both ended in France, and in appearance two warring factions no longer disturbed the ecclesiastical peace. The men themselves remained, however, and carried on their work as best they could. The organic church lost the aid of both Jesuits and Jansenists, and without any adequate intellectual power to guide it, was compelled to face its destiny.

The first element of Voltaire's *Infâme* was the privilege of a corrupt church. The landed and vested estates of the Roman hierarchy in France in his day amounted in capital to about ten milliards of livres, say about two thousand millions of our money, and the income, including the tithes, though most disproportionate to the capital according to ideas then prevalent, and ridiculously small according to modern expectations, was still a hundred and forty millions, say about twenty-five millions of dollars, with a purchasing power at least threefold what that sum would have to-day. The total of the clergy, including monks and nuns, was over four hundred thousand in 1762, having diminished by 1789 to something more than a quarter of a million. These non-producing recipients of the vast ecclesiastical incomes were actually about one hundredth of the population—a monstrous incongruity; and yet, in spite of the ever-diminishing numbers, they continued to consume a fifth of the total revenues of

the entire country, a shocking and patent disproportion. Had they paid the secular charges, both those still legal in 1789 and those for which step by step they had received dispensation, which alike should have been collected from their estates and revenues during the eighty years of the century antecedent to the outbreak of the Revolution, their just contributions would have given a total of more than a thousand million dollars, and have made the bankrupt monarchy rich. Such were the numbers of human beings within the limits of France, and such the sums of money accumulated either by genuine piety or by clever extortion which were, to say the least, quite as much under the authority of a foreign potentate as within the jurisdiction of the native prince.[1]

The use which this numerous and wealthy corporation, within the state but not under state authority, made of its enormous power was a sorry one and matter of common knowledge. During the days of its wholesome, uncontaminated vigor, the church among its most important functions performed that of almoner to the poor; it was the organized charities' association of mediævalism. It differed, however, radically from what we understand by that term, for with its enforced collections it granted divine grace, and with its free gifts it dispensed human sympathy and religious consolation.

But the emoluments of the church gradually became

[1] These estimates are based upon the figures given by contemporaries of the highest character: Dupont de Nemours, Chasset, Polverd, and others. They do not differ materially from those determined by the ablest modern writers, C. Léouzon-Leduc and Paul Boiteau. For the original documents and an excellent résumé, see Robinet, Mouvement Religieux à Paris, 1789-1801, I. 209 *et seq.* There has been acrimonious debate on the question, which continues and seems likely to be interminable.

a prey to unworthy men; the court rewarded its creatures by the grant of ecclesiastical benefices, the appointment to livings fell into the hands of men without faith or respect for faith. The ranks of the clergy were gorged with men indifferent to every ecclesiastical interest except the selfish enjoyment of church revenues. Not less than seventy per cent. of the monasteries in France were commendams—that is, held by some courtier, either ecclesiastical or secular, who performed none of the abbot's duties, but used the revenues for his own behoof! The secular organization of the church had thus become utterly recreant to the sacred trust of the poor, in a measure because of the neglect, or, worse, of the priestly hierarchy, but likewise because a new state of society had succeeded to the old one, in which all the conditions were changed, in which neither laity nor clergy held the old views of social relations, and in which old methods were worthless. While the church retained all the sources of supply for charity, the collections and the bequests, the foundations and the income derived from them—these moneys did not even measurably reach those for whom they were intended. Secular opinion now recognized the validity of a new and revolutionary principle—that beneficent use is the essential condition of ownership—and demanded, in the name of public utility, that the state should expropriate the clergy and seize the charitable endowments. The result of the agitation proved that the clergy had no valid counter-plea, and when, in 1789, the crisis came, to an unexpected extent they themselves assented to the justice of expropriating their corporate possessions.

A fifth of the soil of France belonged in 1789 to the royal domain and to the public domains of the communes, a fifth to the burghers or third estate, a fifth

to the peasants or country people, a fifth to the church, and a fifth to the nobles. Hence, in addition to owning palaces, châteaux, convents, cathedrals, and the richest chattels, such as pictures, gems, artistic furniture, and the like, the three privileged estates—viz., the crown, the nobles, and the great ecclesiastics, to wit, the bishops, commendatory abbots, and the chapters—had in their possession half the landed property of the state. Of these privileged orders that of the higher clergy was the most distinct and the richest. Accordingly, the second element of the national infamy was the ecclesiastical in another form, being, however, moral rather than financial. It was rendered possible, nevertheless, only by the malversation of ill-gotten funds. This was the gross worldliness of nearly all the higher clergy.

Exercising its vast secular authority by treaty with the crown, the church furnished to the crown a class of courtiers which distinguished itself above all others in the qualities considered most vicious even by the crowds which haunted the antechambers of the king. Cardinals, archbishops, and bishops, or abbots, all alike were not merely well educated, they were accomplished to the highest degree in the manners and mannerisms of court life. At every juncture of affairs they insinuated themselves by their charm and adroitness, as well as by the ecclesiastical authority which they wielded, into the royal closet, and, catching the monarch's ear, secured a double privilege—that of their own order together with that of the affiliated and related society of the aristocrats.

The last and least care of the higher clergy was for the parish priests or the masses of the population. They donned for the conflict of wits an armor of outward form and splendid ceremony; they became casuis-

tic, ritualistic, and formalistic to the extreme, setting beauty above faith, tradition above reason, prescription above conviction, form above content in all higher relations of man. They were as frivolous and vain as Voltaire himself, and often as atheistical; but when they entered the lists with him to control the use and power of form in a nation and an age devoted to form he routed them utterly. He was superficial in his criticism, he was a tardy imitator of the English deists, he was ill informed as to historical truth, but he was downright in earnest, and, above all, he was the supreme master of style.[1] Thus when ecclesiasticism threw away its weapons of pure religion and imperative morals to fence with the foils of diction, state, or fashion, it was predestined to utter destruction at the hands of one who was almost superhuman in the mastery of all three. It fought with his own weapons, and he was the mightier fiend. The tilting amused many of the frivolous, but it disgusted most of the wise and good. The lampoon is harmless when directed against the innocent and true, but it shatters pretence and sham.

But the organized and militant orthodoxy of Rome was guilty of a scandalous and shocking infamy in its intolerant and persecuting spirit. The three most familiar and notorious cases are those of Calas, Sirven, and Labarre.[2] These are the classical instances, because they were particularly the cause of Voltaire's fiery indignation. John Calas was a highly respected mer-

[1] It is an interesting commentary on the nature and quality of Voltaire's mind that he could find nothing worth while in Dante; he stigmatized the Italian poet's imaginings as stupidly extravagant and barbarous! Voltaire to Bettinelli, March, 1761, Moland's edition. Tome XLI. 251.

[2] For a full account of these notorious and shocking infamies, see Desnoiresterres, Voltaire et J. J. Rousseau, pp. 407 *et seqq.*

chant of Toulouse, noted in the community for his public and domestic virtues. Being a Protestant, he had no standing before the law, for after the revocation of the Edict of Nantes all Protestants were technically considered as Roman converts. Calas had, to the best of his ability, trained his numerous family in his own faith; one of his sons, however, became a Catholic. Another wished yet feared to do likewise. He became a gloomy, dissipated man, and ended his sad career by suicide. The sire, then in his sixty-fourth year of unblemished life, was almost at once charged with murder, the motive assigned being that the young man had desired to embrace the Roman faith. Popular fanaticism was easily aroused to fury, especially when the Dominicans erected a catafalque and displayed thereon the skeleton of young Calas. The unhappy father was condemned by the *parlement* of Toulouse with the formality of a trial, and publicly executed by the exquisite torture of the wheel. This was in March, 1762; the widow fled to Voltaire at Ferney, and at once the fearless old man began the agitation which resulted in the appointment of a special court and the reversal, all too late, of the iniquitous sentence.

Pierre Paul Sirven was a Protestant notary of Castros. His eldest daughter was seized in her home, on an order of the bishop, and sent to a nunnery, where, under the efforts to convert her, she became insane. In that condition she was returned to her family. Their care in shielding the unfortunate was falsely interpreted into persecution of a new Roman convert. Acquitted by repeated official investigations, the sorrowing parents redoubled their cares, but the girl escaped and drowned herself. Father and mother both were at once charged with infanticide. In January, 1762,

the entire family, menaced with worse than death, fled through winter's snows across the mountains to Switzerland. They threw themselves likewise on Voltaire's protection. Though tried in absence and executed in effigy, they too were acquitted by the pleadings of his caustic pen, not merely at the bar of public opinion, for in their case too the sentence of the same *parlement* of Toulouse was reversed. "Fancy, fancy," wrote the sage of Ferney, "fancy four sheep accused by a butcher of having devoured a lamb!"

These two cases are fair samples of how the state, under the intolerant stimulus of the church, had tortured and shamed such Protestants as either dared or were forced to remain in France after the revocation of the Edict of Nantes and the death of Colbert. The whole shocking procedure of exterminating dissent was supported in the name either of the police or of politics, from fear lest Protestantism should increase and menace the throne. Bossuet [1] gave the perfect exposition of the method whereby, withdrawn from all restriction of Rome, ecclesiastical and imperial, church and state may combine perfectly to enslave France. The king absorbs all temporal power and property, but gives his treasure and sword to extirpate heresy. It was this very principle, with the necessary changes, which, soon after, the radicals sought to use in monopolizing everything for the secular power. In the case of the monarchy, as all the facts prove, the funds of the church went to swell the benevolences paid to the king just in proportion as persecution by the royal authority grew more and more severe.

But the case of Labarre had nothing to do with the attempted identification of Protestants with criminals or traitors. It was an exhibition of the fierce vindic-

[1] See the Politique tirée de l'Ecriture Sainte.

tiveness with which Mother Church treated mere naughtiness in her own faithful children. As such it had much to do with bringing the sore of revolutionary feeling to a head. Labarre was a chivalrous, careless boy of nineteen, who had been raised by his aunt, the abbess of Villaincourt. The attractions of the latter were noted by a worthless old rascal whose addresses were disdainfully repulsed by both aunt and nephew. Brooding on revenge, the hoary scoundrel learned that the boy with a friend had failed to salute the host when carried in procession through the streets, and as almost simultaneously a great crucifix on the Pont Neuf of Abbeville was one morning found mutilated, he insinuated that young men who could pass the host with indifference might well be guilty of the other sacrilege. He likewise learned, through informers, that Labarre, while in his cups, had spoken scurrilously of Mary Magdalen. This was enough; the court would show no mercy to the waywardness of youth. The boy frankly admitted a drinking-song referring to the saint before conversion, confessed the carelessness of his omission to salute the host, but utterly denied the sacrilege to the crucifix, and this was not proved or even indicated by witnesses. Yet he was sentenced to the rack until he should confess and name his accomplices; his tongue was then to be cut out, or, if not extended, torn out with pincers; his right hand was to be cut off and nailed to the church door; he was then to be burned at the stake by a slow fire. This ghastly sentence, pronounced on February 28, 1766, was based on *chansons abominables et exécrables*. An appeal was taken to Paris and supported by the ablest lawyers of France, but of the twenty-five judges before whom it was argued, fifteen rejected it, "led by political considerations"—in other words, intimidated by the clergy, as was well under-

stood. These politico-spiritual judges, however, modified the sentence in so far as to have the martyr beheaded before he was burned. Voltaire now displayed all his resources, but the sentence was executed. The philosopher's defeat was the victory of his cause. Men did not forget what he solemnly asserted, that "a drinking-song is, after all, only a song; human blood lightly spilt, torture, the penalty of a tongue torn out, of a maimed hand, of a body thrown to the flames—these are the things *abominables et exécrables.*"

Public opinion was momentarily overawed by these horrid cruelties, and the process of exterminating heresy continued throughout the reign of Louis XV. There was for the dissenter or the suspect no freedom of speech, no right of public meeting, no ceremony of marriage or celebration of funeral rites, no recognition of the commonest rights of the subject, except under special favor of the church, until after the accession of Louis XVI. Banishment, fines, imprisonment, every form of disgrace and sorrow, were the portion of all who shrank before the infamous tyranny exercised by the union of secular with ecclesiastical authority. It was not until the ministry of Calonne, at the time of the assembly of notables, that the revocation of the Edict of Nantes was disavowed and true tolerance declared. The edict of tolerance was issued by the king in November, 1787; its conception was due to Turgot, its formulation and support to Rabaud St. Etienne, Malesherbes, Voltaire, and Condorcet. Loménie de Brienne had the honor of presenting it to the king. A year later the States-General met. The delegates of the church were instructed to demand a revision of the edict. There was no reparation; there was only a ces-

sation of scandal, which in such a temper of the clergy could not long endure. The flower of French life, artisans, manufacturers, aristocrats of birth and ability, had found refuge in other lands, and they had no inducement to return, for there was no change of heart in the ecclesiastical organization.

III

THE SYSTEM OF OPPRESSION

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THE three great principles of that organic union between church and state in France which brought disaster on both were, therefore, the vigilant and ubiquitous tyranny created by a wilful confusion of temporal with spiritual power, the monstrous wealth of the prelacy and its manifest abuses, the persecuting zeal of the combined powers of church and state. These three elements, as we have tried to explain, working in unison, produced the terrible fury personified by Voltaire as "The infamous woman," a phrase reminiscent apparently of "The scarlet woman." [1] Could there be any true life, religious, moral, or intellectual, under such a three-ply cloak of infamy as this fury had forced on France? The stern answer is, No. It is no wonder that the one grim, determined resolution of strong and thoughtful men was for what they understood to be liberty.

Liberty was in no sense, not even the most restricted, to be found in this unhallowed alliance; nor could it have been in either church or state separately, even

1 "To the crosier
The sword is joined, and ill beseemeth it,
. . . . . .
Because being joined one feareth not the other."
Longfellow's "Dante: 'Purgatorio,'" xvi., 106–112.

though it had been possible by any effort to divorce them. It was not liberty to be seized under the uncontrolled warrant of the king at the behest of ecclesiastical courtiers and imprisoned in the Bastille, mitigated as was the confinement by courtesy and even luxury of treatment; it was not liberty to be falsely accused of murder, under charges formulated by monks, and broken on the wheel; to be deprived by force of money and goods under the name of a loan to the king; least of all was it liberty to be subjected, under the pain of anathema enforced by the police system of the state, to all the various and distinct forms of extortion wielded by the hands of the Roman Church, no less than forty-seven in number.

These last are of course a most important article in the bill of indictment; they may be found carefully enumerated in a volume published at Paris in 1790.[1] Some of them are purely secular and may be reckoned as returns for immunities from exactions by ecclesiastical feudalism; some are forcible usurpations by church corporations, continued until finally guaranteed by the sanction of immemorial custom; the majority are systematic demands for sums graded according to degrees of fear, either for this life or that to come; many, alas! are of a type too debased and savage to be named, connected as they are with the abuse of Christian marriage even to the combined sacrilege and bestiality of so-called mystical union with Christ. No effectual attempt has ever been made to destroy Rozet's credibility. He lived in the very epoch to whose dark superstitions he bore witness.

Nor did liberty as a cause find a sure refuge among French Protestants, Calvinistic or Lutheran. The

[1] Rozet, Véritable Origine des Biens Ecclésiastiques. Text given in Robinet, Mouvement Religieux à Paris, I. 204.

most inexplicable phenomenon of modern and even of contemporary French life has been the persistent, bitter hatred felt by the masses of the nation for the Protestants of France. Many causes conspire to produce it, and of these some are valid, or at least evident enough. There is tradition, a mournful heritage from the reigns of Louis XIV. and XV. There is race antipathy, for large numbers of those who have adhered to the Protestant communion in France are of Swiss and Alsatian origin. There is the difference of genius, for the Roman Catholic is easy-going and imaginative, yet home-keeping and hoarding, while his Protestant brother, though thrifty, strenuous, and grave, wanders into all the earth and risks his savings in commerce for the sake of gain. The former, it is doubtfully claimed, begets the two-child family: it is certain that in general the latter has his quiver full. While this charge could scarcely be established except possibly in the great towns, it is true that the Protestant man is born to public affairs and exerts powerful influence in the state; the Catholic, conversely, seems to have only local interests and little genius for great organizations. Yet these are not sufficient reasons for the sustained and bitter animosity which is a lamentable feature of French life. The main cause lies in the mediating attitude of Protestantism to the Revolution, an attitude which unites Radicals and Catholics in their detestation of those who held it.

The secular conflict with England seemed for the mass of Frenchmen to draw the sharp line of demarcation between French patriots and all Protestants; the great French Protestant statesmen of the old regime leaned in their ideals toward a commonwealth which was at least as aristocratic as their Presbyterian form of church government, and the Catholic king therefore

waged relentless warfare on them as hostile in politics to absolutism. The right of private judgment was revolutionary both to absolutism and Catholicism, while the firm belief in God was prohibitory to every form of the rationalism invoked by the Revolution in its extreme form. If the king and the bishop were terrible in their self-defence, the societies of the Red-Crests (Huppes-Rouges) and Black-Throats (Gorges-Noires), which were Protestant in their origin, met infamy with infamy, and left in their path throughout southern France a record of shocking inhumanity and abominable massacre comparable with the excesses of the Red and White Terrors in the centre and north of the country.[1] The age destroyed moderation and tolerance in religion even among many who had themselves suffered shamefully from their absence in others. The martyrs were as intemperate and fanatical as their persecutors. Among neither class was it possible to form a nidus receptive of either moderate Catholicism or reasonable Protestantism; and in an age of fire and sword, wisdom could not make its voice heard.

Still another element in the working of Voltaire's infamous system, typically represented by himself as by no other man, was what has been called and in a sense is the classical tendency or spirit. The enormous strides of natural and experimental science led to the determined effort, not yet abandoned, to apply to human and divine science the same or analogous methods. These efforts produced the scoffing philosophers, a small school at best, but one whose influence could not be measured by the numbers of its adherents. Their stronghold was the inherited classical spirit which has saturated the French from the beginning. In the Greek and Roman world the individual, body, mind,

[1] Robinet, Mouvement Religieux à Paris, I. 311.

and soul, had no place in reference to the State. It was only as a member of family, gens, curia, phratry, or deme, and tribe, that the ancient city-state knew the men and women which composed it. The same was true of knowledge: every sensation, perception, and judgment fell into the category of some abstraction, and instead of concrete things men knew nothing but generalized ideals.

This substitution of subjective for concrete thinking was the Roman heritage bequeathed to Gaul and to France; Christianity has never rooted it out. To-day it banefully asserts itself in all the political and institutional life of the country. The science of human progress in France knows nothing of perfecting the individual man for the sake of a nobler public opinion and life; but as a pure mathematic its units are abstracted, perfectible humanities, shorn of personality, reduced to the lowest norm of inclusive homogeneity, and by combinations of these unrealities, forsooth, in the ideal institutions set forth by constitutions society is to be regenerated, progress furthered, and a monstrous, inhuman, complete automaton substituted for man! This was, as it remains, the inherent vice of what in this respect we call by their self-adopted name of Latin nations. In such a system even justice is abstract; and if concrete personal security be refused to each man, how much more vague are the obligations of true religion, which knows no organization of human units, church, state, or family, in relation to God, but only regards the individual soul to be saved, recognizing the three holy orders of church, state, and family, not as ends but as means!

This classical feeling was what gave form to every piece of institutional, philosophic, or religious raiment donned by France. Let each of us put on what he

may, the familiar wrinkles and the troublesome hitch will assert themselves in due time, in spite of all the tailor's art, and the constant strain will distort our garment into familiar shapes, do what we will. This is due to what we call nature, and classicism has ever been the nature of France. This distortion is easily discernible in the way she treated the whole philosophy of emancipation and liberty. The grievances were real enough and terrible; the remedy sought was ideal and unhistorical; and they called this phantasm by the sacred name of liberty! Liberty is a thing which in its very essence is concrete, personal, spiritual, individual; dependent on the historic evolution of man, not socially alone and in the relation to human organization, but on his attitude of restraint toward God and himself and on the moral order of all authority in refraining as in compelling. To the French mind liberty was either license under a hypothetical law of nature or political equality under political tyranny; in no sense was it the personal independence, compatible with legal and moral rights and guaranteed by a forbearing and enlightened public opinion, which is the resultant of righteousness in the persons forming society. This Latin concept of liberty was the poison to be injected into the veins of the body politic as an antidote to the poison of the prevalent infamy; organized and tyrannical secularism was to destroy organized and despotic ecclesiasticism, monarchical absolutism was to make way for democratic absolutism. The latter was the device of Rousseau, it was his passion and his fire which entered the soul of France and so moulded, alas! the whole Revolution.

In this way the habits of the French mind lent themselves to the spread of radicalism; similarly they lent themselves to influences of another kind which radiated from the lives of the higher clergy. Just as the radicals

by the force of their public virtue sent the flame of their scorn broadcast over France, so the latter consumed all that was good in their cause by the scandals of their private lives. We have the testimony of Mirabeau,[1] the cautious and true reformer; of De Maistre,[2] the Ultramontane but sincere and truthful ecclesiastic; of Montalembert,[3] the authoritative historian; we have the pamphlets of the sufferers who cried to Heaven in outraged violence;[4] we have the confessions of the clergy themselves in their most solemn utterances, as to the awful abuses and scandals prevalent and unchecked among them.[5] We know, not in part but fully, of their sexual immorality, of their unprincipled self-indulgence in luxury, of their blasphemous impiety. The affair of the diamond necklace is incomprehensible to the student who does not understand that the violent outburst of public opinion which it caused was owing to the fact that men saw in Cardinal Rohan a typical ecclesiastic willing to storm even the queen's chamber in the gratification of his lust.[6]

Yet there was leaven in the lump and salt that had

[1] In his speech of 26th November, 1790.

[2] Considérations sur la France, Lausanne, 1796.

[3] Les Moines d'Occident.

[4] Chassin, Les Elections et les Cahiers de Paris en 1789. Archives Parlementaires, I.-VII. See likewise the testimony of Proyart, Dorsanne, Montgaillard, and Desforges, themselves priests; the original words are given in Wallon, Le Clergé de '89, p. 493.

[5] L. de Poncins, Les Cahiers de '89, pp. 159 *et seqq.*

[6] It is well known that the corruption of the clergy and the corresponding efforts at reform were the highest care of the church from the days of Hildebrand onward. The lives of the clergy form the satirist's theme—Boccaccio, Rabelais, and Montaigne, Bayle, Voltaire, and Diderot were all scathing in their denunciations and ruthless in their scorn. Their efforts were not without effect. But there had been ever-recurring relapses, and the general conditions were no better in 1789 than they were at the worst. See Darimajou, La Chastité du Clergé devoilée, etc., Rome, 1790. Dulavre, Vie privée des Ecclésiastiques, Paris, 1790. Manuel, La Police de Paris devoilée, Paris, 1792. These sources are quoted in Robinet, I. 111.

not lost its savor. While beneath the outward decorum of the hierarchical clergy there prevailed such indifference and vice, while the monasteries were nests of corruption and bawdry, the parochial clergy, separated from both by an impassable gulf, exemplified the highest virtues of their class. There were good and capable bishops, perhaps a hundred and twenty, which would be the majority; there were a few uncorrupted abbots and conventual chapters, a pitiful minority; but there were fifty thousand honest, laborious priests, earnest in the care of souls, who were illustrious for the purity of their lives and their faithful performance of duty. Nominally they were supported by the tithes; in reality a high official (*gros décimateur*) took the enormous sums to which reference has been made and doled out to each a petty, insufficient stipend (*portion congrue*)—about a hundred and fifty dollars a year; since they were illegally deprived, not only of all chance for advancement but even of seats in the church assemblies, they had no opportunity to introduce any reform into the system. This was the body of men which at the outset, by a considerable majority, cast in its fortunes with the Revolution. There was no redress from their haughty superiors, no money from the vast ecclesiastical temporalities wherewith to relieve the poor or for parish expenses, no means for any purpose, in short, except for the scandalous luxury of pluralist dignitaries.

Beside this practical common-sense virtue of fifty thousand plain men, in daily contact with about nine millions of other plain men, there remained, as we have noted in another connection, among the thoughtful Catholics a very substantial number of Jansenists, men saturated with Augustinian theology, bitterly hostile to Ultramontane pretensions, grim in their fixed resolu-

tion to overthrow the infamous alliance of Rome with France. The constitution "Unigenitus" (1713) having split the Gallican Church into two warring factions, even the crown (Louis XV.) could not enforce it, for his judiciary (*parlements*) unexpectedly arrayed itself against him in vindicating the majesty of the law. After an embittered struggle of sixty years the extreme step of abolishing the *parlements* was taken, as we have said, in 1772 (the Jesuits were expelled a year later), and new tribunals (*conseils supérieurs*) were created.

Thus was arrayed against absolutism and ecclesiasticism all the Jansenist influence, all the animosity of the powerful lawyer class, all the statesmen concerned to find some working compromise, and the vast number of their families, adherents, and dependents. A moment's thought suggests the powerful Jansenist families of Arnauld, Le Maitre, Domat, and others, as identified in feeling and interest with the *gens du robe*, and among the statesmen it suffices to mention as typical instances the influential connections of men like Turgot, Necker, Calonne, Loménie de Brienne, and Lamoignon de Malesherbes. This combination of reformers could count among the representatives of the Third Estate chosen in 1789 no fewer than two hundred and twelve adherents. A sufficiently homogeneous company themselves, they consorted at once with another which at first glance appears altogether heterogeneous, composed of sceptics, Gallicans, and the parochial clergy. To this motley company flocked fanatics of every species. All these were determined to overthrow the feudal status of the church, to deprive the Pope of his power of instituting the higher clergy, to secure the broadest toleration, and to sweep away all the vast temporalities of the church, which were the one supply of religious degradation.

Among these, as among all the thinkers of the eighteenth century, there was, as we have elsewhere remarked, not a single convinced republican, much less was there before 1792 a body of men willing to be called republicans and act together as a political force. But there were men in large numbers who were convinced that the character of the monarchy must be radically changed. Voltaire, in attacking ecclesiasticism, emancipated thought, and almost the first free thought of French patriots was that Roman influence as the basis of the monarchy must be undermined and abolished. Criticizing the claim of divine right historically, they concluded that the king was not above, but subject to the laws. With this in mind, they examined the histories of the more or less popular commonwealths of Europe sympathetically, and found many republican institutions which could profitably be engrafted on a monarchy, provided only it were not ecclesiastical, but secular and national. Yet whatever the various degrees of republican sympathy to be found in Voltaire, Montesquieu, Rousseau, Mably, D'Argenson, and the great mass of legists, physiocrats, and philosophers, they were one and all dominated by the conviction that while democracy might serve small communities, and aristocracy those of larger size, for a great homogeneous nation there could be only one possible form of government—monarchy in some shape. France, in particular, had no hope for its emancipation under equal laws and institutions, except by the leadership of a king. More than ever under a renovated monarchy the ardent French could cry: "One Faith, one King, one Law."

It is difficult to distinguish the elements of that embittered hostility to the church which is in evidence from the opening of the Revolution. Thus far it seems

clear that several conclusions may be accepted as capital facts. In the first place, just as the infamous system of governmental control confounded temporal with spiritual functions, the attacks of the discontented were aimed at the existing Ultramontane church as being not so much the prop as the very foundation of the monarchy. Secondly, the moderate men of the upper and middle classes, having long coöperated in the resistance to a monarchy struggling to act without the *parlements*, were equally zealous for a republican monarchy willing to base itself on the *parlements* and act only by their coöperation and assistance. A third vital consideration is that the historic spirit was awake; the *parlements* claimed to be the legitimate successors, first, of the Merovingian Parlementa or Assemblies, then of the national gatherings under Charlemagne,[1] and lastly of the mediæval estates. It was by the use of these claims that they braved the crown when yielding to Roman influences, forced the unwilling clergy to administer the sacraments to Jansenists, denounced the king's principles as despotic, and made their own assent or dissent determinative of the national credit when indispensable loans were sought by the crown.[2]

It is excessively difficult to realize what a small proportion of the nation either understood such matters or was even in the slightest degree concerned about them. In all probability not more than a tithe even dreamed

[1] Charles the Great was supposed even by the intelligent of the times to have been a liberal monarch reigning by a Teutonic constitution, a false conceit of which France has never rid herself.

[2] For an enumeration of grievances, see Flammermont, Remontrances, etc., II. 447. For an opinion of their nature and value, see La République Française, XXXIII. 349 and 455. Carée, author of the articles, discusses the career of Du Val d'Éprémesnil, and incidentally exhibits the use of these grievances by a leader of opposition.

of dangers, much less of their remedies. It is not wonderful, therefore, that the reformers of the first stage in the Revolution (*censitaires*, or payers of taxes, especially those from land) dreamed of a burgher monarchy limited by *parlements*, of a very restricted suffrage, and of a national assembly representing what was still a minority of intelligence, of modification rather than abolition of privilege. It is perfectly natural that, whatever their motives, they hated and despised the Roman Church as central to the old absolute system, as its bulwark, its rock of defence. They never dreamed of Rousseau's democratic tyranny as realizable in a great state. But the masses had no such ideas; they were unobservant and habitually faithful, believed and obeyed by routine; suffered and complained, but kissed the rod, and considered the ironclad regulations of fees and formalities regarding baptisms, marriages, and funerals that were made and enforced by the church as the rough places on the otherwise easy road heavenward. They could scarcely distinguish the secular from the spiritual administration, for on the latter depended the question of legitimacy and so of property succession, real or personal; this, after all, was their chief concern, for their lives moved within limitations that included little more than the essentials.

IV

ATTITUDE OF THE PRELACY

IV

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THE destruction of the Bastille was an act whose motives were very complex. As has so often been stated and repeated, it did stand in the minds of many as a reminder of hated mediæval institutions; it was a fortress in the hands of absolutism, antiquated to be sure, but yet a fortress and capable of great execution against unarmed people; it was a prison to which men were sent, without process of law, by the arbitrary whim of a prince, a luxurious and well-bred jail, but still a jail; the associations of most men with the name and thing were profoundly unpleasant and disagreeable. Yet, primarily, the attack was not caused by any one or all of these associations; it was a simple measure of popular self-defence.

On the fall of Necker, July eleventh, 1789, Paris was deeply moved; next day the young lawyer Camille Desmoulins made his stirring call to the advanced spirits who used the gardens of the Palais Royal as a club; there were clashes between the king's mercenaries and the inoffensive but curious burghers on the streets; the populace took alarm, seized the arsenals, and assumed the defensive. At Versailles the National Assembly declared itself in permanence, applauded the liberal sentiments [1] of its members, and enthusiastically ex-

[1] For example, the cry of Mounier: "We love the monarchy for France, not France for the monarchy."

pressed sympathy with Necker. Meantime the king had formed a new cabinet in which the Marshal de Broglie was Minister of War and commander of the forces. Since the native French soldiery had for long shown itself disorganized and out of sympathy with the crown, Broglie's main reliance was upon his numerous mercenaries, who were well armed, well supplied by an effective commissariat, and trustworthy. The people of Paris found itself between the guns of the Bastille and those of the royal forces. With shrewd strategy they preferred to face the antiquated fortress. There was a bloody storming on the fourteenth, and many of the attacking force lay dead before De Launay, the governor, surrendered. Though it was probably by mistake, yet he had fired on the flags of truce sent forward with the people's summons, and likewise on other non-combatants. The furious populace judged his intentions by his deeds, and showed him no quarter; having tasted blood, the armed citizens grew irresponsible, turned into a mob, and proceeded to further murders and assassinations. With dizzy rapidity the initial exploit assumed heroic proportions, and as the tale was told the interpretations were prophetic.

Leaving aside for remark in another connection the political and institutional significance of the event, it is for our present purposes essential to recall that according to the expanding legend the persons who overthrew the Bastille understood the significance of their act to lie in the destruction of a tyrannical system, not merely in the annihilation of an antiquated, despotic engine; whatever they may or may not have understood, as a matter of fact they did not declare war on the foundations of society, least of all upon the church. It was their instinct and their joy immediately after their vic-

tory to celebrate solemnly with a Te Deum a thanksgiving service in the great metropolitan cathedral of Paris.[1] In the same way, during the ensuing first period of the Revolution the national guards consecrated their banners, buried their dead, and deposited their votive tablets before the altars of their parish churches. Preachers expounded contemporary events as the realization of the gospel, while officials, civil and military, used the pulpit as a platform; great political meetings were continuously held within consecrated walls, and no person or class felt any sense of indecorum as attaching to these facts. This general observance of religious forms continued for some years. The elections and assembling of the States-General were preceded and followed by masses; for the famous night of August fourth, 1789, devout thanksgivings were poured forth, and in February, 1790, all Paris took the solemn oath to support the new order. Camille Desmoulins used the columns of the "Lanterne," the most radical of journals, to reiterate the words of Pope Benedict XIV. that France was the kingdom of Providence. On June third, 1790, a gorgeous procession, arranged to represent the totality of the nation, celebrated the festival of the Holy Sacrament.[2]

When the States-General of France had assembled

[1] Procès-verbal des Séances et Délibérations de l'Assemblée Générale des Électeurs de Paris, réunis à l'Hôtel de Ville le 14 juillet 1789, rédigé par MM. Bailly et Duveyrier, 3 vols., Paris, 1790, I. 459. Similar services were held elsewhere. II. 115. In Vol. III., p. 96, may be found the cahier of the third estate of Paris regarding religion. Perhaps the most interesting paragraph is the eighth: "Ecclesiastical jurisdiction doth in no way extend over temporal; its outward exercise is controlled by the laws of the state." The whole cahier is well worth study, and its comparison with the civil constitution is most enlightening.

[2] Robinet, Mouvement Religieux à Paris, 1789-1801, I., pp. 105-110.

on that memorable fourth of May (1789), a day so smiling, so sunny, so cheerful, the weather corresponded to the temper of the nation and of its delegates. The French world was full of hope and of enthusiasm, expecting the abolition of all personal misery and all intellectual discontent, not by revolution, but by the prompt adoption of salutary reforms. Deputies of the third estate (661), of the nobles (285), and of the clergy (308) all had their instructions (*cahiers*). The enfeebled religious faith of the eighteenth century was still represented by a general inertia which may be called the habit of the soul, all the stronger because it was a spiritual, not a physical habit. With this the fierce and eager philosophers of the "little club" in the Café Procope, and the small but intense minority they represented, dared not rashly tamper, still less with the utopian enthusiasm for lofty institutions and pure administration which animated the whole of France. The religion of the masses and the reforming zeal of the working representatives from three estates alike prevented a theatrical performance on Easter Day as late as June second, 1791. On July thirteenth the National Assembly and all the local authorities, civil and military, of Paris gathered in Notre Dame and gave no sign of dissent when the preacher designated the Revolution as the work of God. Men still struggled cheerfully to follow the old paths; they were sure that if the thorns and briers which choked them were once removed, society could pursue its course more easily and satisfactorily along the beaten tracks than by having recourse to new highways, however straight and broad they were made by the compass and square of atheistic reason. Moderation and self-denial were therefore the order of the day. In spite of her horrid cruelties, the church was throughout the

land still regarded as a careful mother who, with gracious benediction, was holding the hand and steadying the toddling first footsteps of the nation toward liberty. This is admitted almost in these very words by Robinet, the latest historian of the radical school.

What brought about the swift revulsion of feeling? Why did the Assembly, so moderate in most things, display first an unintelligent zeal, then a fierce reforming spirit, and finally a savage persecuting temper in its dealing with ecclesiastical affairs? Considering this enigma in the large, the answer has already been given: it was because the thinkers and reformers of France had come to despise the monarchy for its political feebleness, and saw in the church the mainstay of a governmental system which was rapidly degrading their land into a second-rate power. But so far their belief had remained in the stage of agitation, and action was impossible because of the conservative instincts of the burghers and their guides. But now all this was to be quickly changed. The opportunity was found in the haughty reactionary temper, which was partly ecclesiastical, partly prelatical, and which committed the hierarchy to a policy of stemming completely the movement of reforming thought. At every opportunity the higher clergy exhibited a persistence of reaction in church matters which made them the conspicuous representatives of immobility.[1]

The first thunderbolt of dismay, therefore, which agitated the moderates and momentarily paralyzed the enthusiasm of the people did not fall, as might have been expected, from the lowering, muttering heavens above the radicals; it fell from the lofty presumption of the

[1] For the attitude of the clergy toward the Protestants, see an article by A. Lods in La République Française, XXXIII. 134.

higher clergy. We have referred to the degradation of manners, which amounted to unbridled libertinism in some cases, that so far characterized many of the prelates as to obscure the good fame of the rest. An anonymous address to the lower clergy, published in 1789, charged their superiors with being the most degraded estate of the realm.[1] Its influence was enormous. Composed largely of men from the estate of the nobles, the prelacy nevertheless abated not a jot from their characteristic arrogance in the instructions issued by them with reference to the States-General. Roman Catholicism was to be maintained as the sole religion of the nation, to the exclusion of every degree of reform; to this end the decree of tolerance was to be revoked, and every form of public education or instruction was to be controlled by the church so as to mould the life of the people, spiritual, moral, and intellectual.[2]

The lower clergy then rose in revolt. They reiterated their charges of immorality, their complaints both as to the misuse of the tithes and their own exclusion from all control in the affairs of the church. The Jansenists embodied their position of dissent in a separate paper prepared by them.[3] But the struggle of the parish clergy and of the Jansenists was on the whole ineffectual. Though they secured representation

[1] Reprinted in full by Robinet, I. 122. It opens: "Gentlemen, the moment has come to break the chains with which episcopal despotism has so long fettered you." It demands the right of meeting, of choosing curates, of representation, of distributing the charitable funds, and calls for a church council. The language is plain and cutting.

[2] Chassin, Élections et les Cahiers de Paris. Also Le Génie de la Révolution, II. 182.

[3] The remonstrance of the Jansenists was written by Pierre Brugières, an official of the Church of the Holy Innocents, and afterward constitutional rector of St. Paul's. It is a pamphlet of a hundred and twenty-three pages, given in Chassin, and entitled Doléances des Églisiers, Soutaniers ou Prêtres des Paroisses de Paris.

among the delegates of the clerical order, the body of instructions drawn up for the use of the clerical delegates remained as it had been—implacable and Ultramontane. No worship except the mass, this rule to be enforced by the secular power, and to that end all dissent to be suppressed by the force of persecution. There was to be no alienation or diminution of temporalities, no interference with the power of the estate except to increase it. To the crown was given a limit as to its misdeeds: it was to surrender its right to the income of the vacant abbeys. Two final injunctions looked in a direction different from the rest: no money subsidies were to be exacted except with the consent of the order which paid; there was to be no interference from without in the affairs of any estate or in the private concerns of the individuals which composed it.

It must not be forgotten that the orders of the prelacy and the nobility were in a certain very important sense one and the same. The process of turning the monasteries into commendams had long been in operation. By the terms of the Concordat of 1516 the king was always to name as abbot a monk of the order at least twenty-three years old and never a secular or simple priest. But by coercion and chicane the crown forced on the monasteries, as the abbacies successively fell vacant, one favorite after another, secular priests and even unordained bachelors. The true cause of the quarrel of Louis XIV. and Innocent XI. was the latter's refusal to install as commendatory abbot the king's bastard son by Mme. de Montespan in the rich monasteries of Saint-Germain des Prés and Saint-Denis. By 1791 there were in France no fewer than six hundred and forty-seven such commendatory abbots, presiding over establishments with revenues amounting by the official figures to about two million

dollars, but in fact to three or four times that amount as money goes to-day. Against many of these the vilest charges were brought by their own colleagues. There were abbots who entertained their mistresses and bastard children within the convent walls; there were others who lived in open scandal with the noble abbesses of neighboring nunneries, and some who turned their official residences into haunts of vice for the nobility; in short, so many abbots were so openly reprobate that a papal bull on the subject was issued, and threats of suppression were made. Pluralism was almost a venial fault, and was so common as scarcely to excite remark. The identity of nobles and prelates to such an extent as existed tended to fill both orders with a haughty pride and wicked exclusiveness. They made no secret of the disdain they felt for the secular parish priesthood, or for the excellent, God-fearing men of their own profession, men who conscientiously performed their duties and lived humbly in the exercise of their high calling.[1]

The real temper of the first among the three estates was therefore proud and unyielding. It matters not that it likewise demanded the regular assembling of the estates, the abolition of servitude in France and of slavery in the colonies, the publicity of treasury accounts and of all debates, the equable distribution of taxation; that the members expressed a willingness to pay taxes themselves according to their ability, that they called for the reform of the codes with the purification of the prisons and galleys, that they desired the redemption of manorial rights and wanted responsible ministers in a free legislature—all this, specious as it is, matters nothing; they carefully withheld any statement as to the condition of their own purses, sug-

[1] Robinet, I., p. 116. Wallon, Le Clergé de '89, p. 493.

gested no reforms in the gross mismanagement of their own revenues, and would listen to no meddling with the immunity from legal control which so long had opened the way to the most grievous abuses.

It is a serious mistake, also, to belittle the importance of the attack on the Bastille from the purely political point of view. Throughout France the effects were everywhere and instantaneously revolutionary; immediately, and to outward appearance spontaneously, elective municipal governments were formed to replace the crown officials; more menacing still, a volunteer militia of national guards was organized, owning allegiance to these popular authorities only, and numbering ere long, as Necker estimated, between three and four millions of men. Simultaneously the country folk far and near demanded the destruction of those vexatious charters, dating from feudal times, which contained the provisions and guarantee of every abominable privilege under which they groaned. This form of land tenure still exists in England, and is called copyhold. Ownership is under it conditioned on several forms of tribute, payable in kind or in labor. Wherever the privileged possessors in France resisted, their châteaux were pillaged, the muniment chambers broken open, and the dusty parchments given to the flames. In short, the populace began at once to take certain of the reforms demanded by the third estate into their own hands. This was the response of the plain people to the stubbornness of the ecclesiastics, the counterstroke to their haughty fulminations concerning their church and order. The enthusiasm for moderate procedure hitherto animating all Paris and the delegates sitting at Versailles got a jog from the energies of provincial France which reminded those charged with reform that they must be up betimes and doing

promptly, or reform would soon be revolution. The attitude so far assumed by the prelacy, and through them by the estate of the clergy, was a menace to the true reconstruction of society or even to moderate change; that of Frenchmen at large was a stern summons to thoroughness and promptness.

The result of all this was a species of panic at Versailles, and in the hot haste to keep step with events, clergy and nobles, partly enthusiastic, partly terrified, but entirely in the interest of self-preservation, made, on August fourth, the well-known holocaust of all that survived to them of feudal privilege. The king alone remained a stranger to this forced enthusiasm, and wrote the Archbishop of Arles that it merely slipped over and off his soul; that he would never despoil his clergy. But cold as was the royal inertia, public opinion moved right forward; on the tenth of August, 1789, the tithe system was, under this pressure, formally abolished, and with it the annates or contributions levied directly by the Vatican. Toward the close of October was completed a series of enactments, carefully, dispassionately debated and studied, which provided the practical means for the complete overthrow both of the feudalism and ecclesiasticism which had characterized the old monarchy and the ancient regime.

It was far from the intention of the third estate that the clergy should retain its prerogatives, but how little the historic sense permeated the burgher class and its leaders, likewise how destitute of philosophic insight they were, can be seen in the attitude taken by their official instructions to their delegates, especially in regard to ecclesiastical matters. Demanding complete liberty, they yet, with perfect fatuity, contemplated the perpetuation of Roman Catholicism as a state religion. They were as illogical as the clerics,

never dreaming that a state religion was already an anachronism, and supposing that an official religion could be consistent with freedom of faith and worship. It is very difficult for readers in this land and age to realize that but little more than a century ago the most enlightened portion of the most enlightened European people could form no conception of any organized spiritual or intellectual activity performing its functions without state interference and regulation. The most conservative prelates, men like Marbœuf, Archbishop of Lyons, regarded the whole movement as anarchical; but he and his kind were at least more logical than the men, like Thémines of Blois, who were ready to sacrifice their privileges if only they could keep their power; the Archbishop of Bordeaux outdid even the most liberal, offering to sacrifice half his revenue, and preaching peace and good will, but, like all the rest, he said not one word about liberty of conscience. This thought had no form in the mind of a single prelate; there was no word for it in their vocabulary. This was why the electors of Paris, why the populace, which alone had an instinctive grasp of the situation, why, in short, the sharpened wit of the nation shouted: "No clergy, no clergy!" The very men who embodied in their instructions demands for every species of ecclesiastical reform—liberty of conscience, abolition of Peter's pence, of monastic vows, of clerical absenteeism, of simony in the monopoly of benefices—in short, of every abuse; who suggested reforms amounting to revolution and utterly distrusted their spiritual guides—these were the men who yet fondly hoped to retain a reformed Roman Catholicism. It seems impossible, yet this was a phase of national feeling as disastrous as the haughty spirit of the prelates. "Truly," said Plautus, "a man cannot suck and blow

with the same breath." It required the blast furnace of Napoleonic imperialism to smelt the stubborn ore of lingering, unreformed Roman Ultramontanism, but even that could not melt out of the refractory French mind the fatal concept that a state religion is indispensable.

The careful examination of these two extremes, represented by the two classes of the privileged on the one side—the nobles and the clergy, and by the third estate on the other, untutored and over-sanguine as it was—this alone can lead us through the labyrinth of events. The antinomies of their respective positions were carefully concealed by both parties alike from themselves and from each other. But, really though vaguely conscious of it, they struggled to overcome the obstacle by debate; lofty as was the tone of their speeches, they failed in their purpose, and recourse was then had to riot for composing the irreconcilable extremes; when riot showed its impotence, revolution took up the task. Even revolution was at first mildly religious, but exaggeration and exasperation soon gave impiety the upper hand, and it maintained its power until state and people were on the verge of disintegration. Then at last, after the Roman Catholicism, not of France alone, but of all western and central Europe, had been purged by Napoleon in the fires of persecution and humiliation, the compromise was reached under which France lives at the present time. The Concordat must be judged on its merits; it does not work smoothly now, and many believe the hour has struck for the next advance; but a century ago it saved the existence of France as a nation, not because it was an ideal compromise abstractedly, but because it swathed the swollen veins and bandaged for the time being the flaccid, flabby muscles of the body politic.

The disintegration of French society during the early years of the Revolution, the complete abdication of its duties by the triple power of family, church, and state, the crumbling of every institution conservative in nature or tendency—this not merely was the riddle of the epoch itself, but continues to be the puzzle of later investigators. Nothing like it is known to history in the long precedent course of recorded time; may the world be saved from comparable terrors and horrors until time shall be no more! The process just outlined was the internal cause, as the attitude of the European state system toward the movement was the external one. The French church withdrew from all constructive participation in much the same proportion as the foreign powers endeavored to coerce a jealous and sensitive people. The sane leadership of the true aristocrats, the pious, the learned, and the prosperous, disappeared just in proportion as a religious hierarchy dependent on an Italian potentate denied its assistance to the control of French affairs. Where calm judgment and moderate reform refused coöperation, fierce energy and radical revolution gained an entrance which fury widened into first one, then another and another breach, until the bulwarks against the ferocity, fury, and madness of the wicked fell before pernicious activity in assault. We offer therefore no excuse for reiterating the analysis of the process which led Voltaire to desire the divorce of church and state, Mirabeau to cry aloud for the decatholicization of France, and the vile Hébert to demand the dechristianizing of the land. The first step was when, under awful fiscal pressure, the ecclesiastical estates were declared forfeit; the second was when a recalcitrant hierarchy was dissolved to find its substitute in a primitive and presbyterial organization; the third was the attack

on Christian worship, the attempted substitution in its stead of an atheistic, deistic, and eclectic heathen cult, each in turn; finally, the fourth was the reintegration of the social atoms under the Concordat of 1801.

The benevolent despot was the hero of the hour in politics—all for the people, nothing by the people, was his motto. It was with the same air that the clergy and nobles went forward in the work of suppressing the tithes, long a hateful institution to the masses—the bloody leech, they called them, which sucked out their vigor and their very life. One efficient cause of the French Revolution, as is well known, was the utter absence of order in the affairs of the kingdom—the same thing not done in the same way in any two places throughout the kingdom. Nothing illustrates this more clearly than the tithing system. Many of the tithes, by far the largest part, belonged to the monasteries, which collected them, acting in the rôle of *gros décimateurs*, and, absorbing most, doled out the wretched *portions congrues*, ranging from two to five hundred livres, on which the rectors or parish clergy starved. Another large portion of the tithes had under the feudal system been enfeoffed to lay suzerains, so that they actually formed the revenues of men not even sentimentally connected with the church or interested in religious affairs. Nor were there two provinces or districts where the assessments and collections were made on the same system, much less equably and equally administered. In tithing, as in the forms of taxation, the absence of all order in procedure opened wide the door to infinite irregularity, abuse, and tyranny. Somehow, by hook and crook, tithes to the amount of seventy millions of livres were collected by the ecclesiastics and ten by the lay owners. Allowance will be made for the high purchasing power and

value of these sums, and to them must be added about three hundred thousand livres collected by papal officials directly for the Pope and transmitted to him. These were the annates. Such were the burdens lifted, with the attitude of benevolent condescension, by the clergy and nobles; in reality there was no merit in the sacrifice, for they dared not act otherwise.

V

THE ECCLESIASTICAL COMMITTEE

V

THE ECCLESIASTICAL COMMITTEE

IT is not clear from the records of the memorable night sitting of August fourth, when the Assembly declared "the feudal system utterly abolished," how far fear, how far generous impulse, how far a sense of constitutional pressure were singly and in combination the operative forces. Nor probably could the members of the Assembly have told, had they endeavored to analyze their motives. In fact, using the word constitutional in its broadest sense, the decree of August fourth was simply the formal approval or ratification of the municipal revolution just noted, which had been the work of the French people, scarcely conscious of its democratic, revolutionary attitude. The Assembly came into existence as a constituent body by procedures that were violent and irregular; it claimed recognition as national, but it could not really be so or be acknowledged as such, except as it appeared truly to represent and to lead the nation. Accordingly there was not a single element of the realm which did not accede; *parlements*, offices of taxation and credit, university, estates, and all the cities, every one hastened to participate in and approve the movement of the people. In this way the unity of France secured unmistakable recognition; the army was required to swear allegiance to nation, king, and law; the officers, in presence of their troops and before the municipal

officials, were required to take an oath never to use force against citizens except on the demand of the civil authorities. Every vicar and rector was publicly to announce the fact and to assure the execution of the decree by the exercise of persuasion and zeal.[1]

So much of a constitution as existed in France anterior to 1789 was of course unwritten. This traditional and indefinite quality was a matter of indifference to the thinking men familiar with the English constitution; it was equally so to the instincts of the fairly intelligent, aware of the agitations connected with the *parlements*. These had insisted always on the existence of "fundamental laws," stunted and embryonic as they might be, and on the "most essential and sacred constitution of the monarchy," drawing a distinction most emphatically between statutory and constitutional law. Many thoughtful Frenchmen were likewise well informed as to the original State constitutions of our own country and the bills of rights in some of them. These all had been published in a volume dated 1778. Initial and crucial to the constitutional struggle of the Revolution was the question which arose immediately on the assembling of the estates: Should the orders vote separately? In the former case the two higher orders would overrule the single lower one. Or should the members vote as individuals? In the latter the six hundred and sixty-one deputies of the lower would outvote the combined five hundred and ninety-three of the clergy and nobility. The momentous scene known as the Tennis Court Oath, which gave the victory to the third estate, was in reality the climax of a movement by the *parlements*, lasting throughout 1788, to formulate the essentials of the "constitution." The effort at first blush appears ab-

[1] Aulard, Histoire Politique de la Révolution Française, p. 39.

surd, because it strove to recall anachronisms from the antique privileges of the feudal provinces. Yet the struggle had vitality: the idea of a constitution, being repeated again and again in various quarters, finally became national. In many of the cahiers forming the instructions of the third estate it was pleaded that the "constitutives," or fundamental laws, should now find a firmer basis than tradition—viz., in justice and the welfare of the people. Only in this way, it was felt, could crying abuses be abolished and a return to sound government be secured.

This was the agitation which had permeated all France. It partly explains not merely the overthrow of feudalism, but likewise the nature of the famous declaration of rights. The classical spirit furnished a rather foolish confidence in paper reform, but it was a glimmer of historic sense shining through the darkness of passion which furnished the items in that document. They are not all doctrinaire, as so many who know them only at second hand firmly believe; they are in large part concrete and real. Some of the paragraphs enumerate reforms already promised by the king, some aim to abolish historic abuses hitherto untouched, others recount the natural and civic rights to be guaranteed by a constitution, or form of government to be established for securing all rights in equal measure to all men. There are some—a few—which are purely theoretical. These are absurd because based on Rousseau's contract theory of government; they either enumerate visionary rights presumed to have existed before man's existence as a social being, or else they recount so-called rights which could be deduced only from the imaginary contract, and are therefore as much in the air as the others. In the main, however, the items in the bill relate, as was said, to existing abuses that are to be abol-

ished. The whole paper is a compromise between theoretical and historical claims, but the latter, after all, preponderate.[1]

This constitutional agitation accounts, moreover, at least in part, for the curious phenomenon of the municipal revolution itself. It was the extent of discussion about fundamentals and the interest thus awakened which alone made it possible. But it did not break forth by the initiative of its own forces. The spread of delirium throughout France subsequent to the destruction of the Bastille was not really spontaneous; on the contrary, it was almost certainly due to a carefully arranged plan made and carried out by some one in Paris who remains still the Great Unknown: neither the prime mover nor the principal agents ever avowed their act. Several claimed the credit or discredit, among others Mirabeau, and then disclaimed it after the sad conseqences were only too apparent. But the work was thoroughly done, and in the crash of privilege inaugurated on August fourth, the eagerness of all, from the weakest, who had nothing but expectations, to the most powerful, who had millions, was an unprecedented illustration of the hysteria which overpowers crowds. Some few there were of the most experienced and adroit who kept their heads: of these probably the most were high-minded and sincere, but a number were beyond peradventure quite the reverse, anxious to create a chaos—a chaos from which no other order could be evolved than that which they pretended to overthrow. This was especially true of many among the higher ecclesiastical feudatories, whose subsequent conduct proved that the immolation of their quit-rents

[1] See two admirable discussions of this question by J. H. Robinson, published in the volumes of the Political Science Quarterly for 1899 and 1900.

and mortmains was only a scheme to regain them in whole or in part on a surer foundation. But the tide of public opinion without the walls of the assembly chamber was too strong, and radical changes had to be made without awaiting the deliberations of the Ecclesiastical Committee.

So it came to pass that the process was accelerated; on the sixth, in spite of urgent efforts to save the church estates from the operation of the sweeping declaration made two days earlier, all feudal rights and aids were formally abolished: quit-rents, mortmain, real and personal, together with the remnants of serfage. These were the very corner-stone of feudalism, and were wiped out without redemption: such only as were of a purely economic nature were declared redeemable. Next day the debate was less bitter and the game laws were reformed; amnesty was granted to all offenders under the old system and the punishment of the galleys was abolished. On the tenth began the debate over the question of tithes: there was little dissent as to their abolition, but the widest divergence of opinion as to how it should be done. Arnauld and Dupont demanded suppression pure and simple; Lapoule suppression, but with a provision for salaries; Lanjuinais and the Bishop of Langres pleaded for complete indemnity; Jallet, Grégoire, and the Bishop of Dijon earnestly desired the substitution of landed property yielding an income sufficient to support public worship; Chasset suggested the redemption of such rights as were called lay, or infeudated, or impropriate—viz., closely akin to private ownership because they could be transmitted. This latest proposition, that of Chasset, was warmly supported by Mirabeau, referred to the committee, and ordered to be put into form. Siéyès argued forcibly for redemption in money or in kind of

all tithes; Lanjuinais and Montesquiou for their preservation, together with all the ecclesiastical estates; Garat the younger opposed, and finally Talleyrand so forcibly urged Chasset's proposition that it was passed in the form reported by the committee. Measures were taken to abolish the annates (contributions to Rome), and thus the whole feudal regime declared abolished on the fourth was legislated away formally on the thirteenth. Two days later the decree was laid before the king; he, however, temporized and delayed its promulgation until the working details were completed. It finally became a law partly on September twenty-seventh, partly on November third.

The intolerable burden of the tithes, with its accompanying scandals, was thus removed; but there was another abuse equally serious. As early as the eighth La Coste and Alexandre de Lameth, nobles of the upper and lower castes respectively, had begun to demand complete religious reform: resumption of ecclesiastical estates by the nation and the abolition of monasteries, nunneries, convents, and abbeys. There was comparative calm during the ripe, dispassionate speech of the former, and some excitement under the fervid oratory of the latter. And well might there be a rising tide of earnestness, for the nation was swiftly approaching financial ruin, its people were threatened with starvation, and its affairs were on the verge of chaos. Penury, want, hunger, were no longer abstractions, but realities. The autumn was fast approaching, winter was just beyond, there were no adequate food supplies and famine was visible in the near future. The privileged classes were still enjoying their revenues and savings, not in moderation, as might have been endurable, but in ostentation and wasteful luxury.

The agitators began to express regret that the work

of July had not been thorough in the erasure of the old system, the unholy amalgam of monarchy, feudalism, and ecclesiasticism. Like Hannibal, they said, they had fallen asleep at Capua. Candles were still burning at the high altars and Te Deums rang through vaulted arches; it was now feared that the clergy might regain its position as the first estate of the realm, a possibility to be avoided at any cost. Necker's propositions for fiscal reform seemed too slow and inadequate: let the state reclaim its own and put the clergy, who retained the mien and port of masters, in their true place as servants. To this end France must resume what was really its own—viz., all the vast ecclesiastical estates of the realm. A considerable number stigmatized the proposition as nothing less than confiscation. There was much fiery fencing, but in the main an earnest moderation prevailed, and efforts were made either to evade the necessity or at least to find a method not openly attacking the right of property in either natural or corporate persons.

As a proof of the enthusiasm with moderation which it was hoped and intended should still control the national representatives in dealing with religion, an able committee was appointed on August twentieth to consider carefully and report a plan of reform; from its constitution, the liberal Gallicans and Jansenists alike hoped for such a reorganization as would preserve the church but at the same time place it under secular control.[1] At the head of the committee was Bishop

[1] The list as given in the minutes is: Lanjuinais, D'Ormesson, Grandin, Martineau, De Lalande, Le Prince de Robecq, Sallé de Choux, Treilhard, Legrand, Vaneau, Durand-Maillane, L'Évêque de Clermont (François de Bonal), Despatis de Courteilles, L'Évêque de Luçon (de Mercy), de Bouthillier. The second list was Dom Gerle (Chartreux), Dionis du Séjour, L'Abbé de Montesquiou, Guillaume, De la Coste, Dupont de Nemours, Massieu (curé), Ex-

François de Bonal, a determined conservative, but willing to reform abuses; associated with him as clerical members were the Bishop of Luçon with three curés, Grandin, Vaneau, and Lalande, all men of power and fitted to defend the parish priests against the superior orders of the hierarchy. A lay conservative was D'Ormesson, the well-known jurisconsult and a powerful court lawyer. Three liberal laymen were Lanjuinais, Maillane, and Treilhard: the first a canon-law jurist of profound erudition, the second a secular and ecclesiastical jurisconsult of brilliant scholarship, and the third a convincing orator, still moderate but with leanings toward radicalism. In November the popular behest compelled the addition of several others; on February seventh, 1790, the committee was enlarged to double the original number by the addition, among others, of Dom Gerle the Carthusian, an extreme revolutionary; of the Abbé Montesquiou, defender of the clergy; and of Chasset, a moderate liberal. The most important influence in shaping the measures eventually adopted was, however, exerted by men not appointed even in the two first selections, but who began to coöperate later in the year: by Camus, counsel to the French clergy, an austere Jansenist, the oracle of the advanced liberals and therefore a most masterful man in the work; by Emanuel Freteau de St. Just, nobleman and councillor of the *parlement* of Paris; by Henri Grégoire from Lorraine, afterward the famous Bishop of Blois. Alas! long ere this excellent committee could report, the passions of the populace gained in intensity to such a degree that calm deliberation was impossible either in its own sessions or in those of the parent assembly.

pilly (curé), Chasset, Gassendi (curé), Boislandry, Fermont, Dom Breton (Bénédictin), Lapoule, Thiebaut (curé). Of the entire thirty, nine eventually refused to act—Bonal, Mercy, Bouthillier, Robecq, Sallé, Vaneau, Grandin, Lalande, and Montesquiou.

Camus was now a man of nearly fifty. Born in Paris, he had espoused the profession of law with ardor, and in early manhood had attained such distinction in the field of ecclesiastical pleading as to be chosen by the Elector of Treves and Prince Salm-Salm for the defence of a famous plea they were urging against the Vatican. His avocation was the science of nature, and such was its hold upon him that he was perhaps at one time more famous for his classical translation of Aristotle's "Researches about Animals" than for his legal acumen. It was as an ardent liberal that he was elected a deputy for the third estate of Paris to the States-General. His talents marked him for distinction, and he was made one of the secretaries of the Assembly. One of the heroic figures in the Tennis Court, he sided with Mirabeau in his attitude toward royalty. His power as a lawyer rendered his appointment to the Ecclesiastical Committee imperative, and the Civil Constitution was largely his work. Later he was a member of the Convention, by which he was sent as a commissioner into Flanders. Dumouriez betrayed him to the Austrians, and during a long captivity he employed his time in translating Epictetus. Exchanged in 1795 for Madame Royale, daughter of Louis XVI., he resumed the duties of public archivist, was a member of the Five Hundred under the Directory, but, distrusting Bonaparte, withdrew from public life on the establishment of the Consulate. A Roman Catholic Puritan, stern, inflexible, and upright, he employed the rest of his days, until his death in 1804, in the congenial duty of collecting far and near documents relating to French history.

Second only in importance as moulding the Constitutional policy regarding the church, and first as a supporter of it, was Grégoire. With Rabaud and Gerle, he occupies the foreground of David's famous picture of

the scene in the Tennis Court. In his interesting memoirs he tells but two anecdotes about his youth: one, that his mind was formed, though attending a Jesuit college, by two ultra-liberal books, Boucher's "De Justa Henrici Tertii Abdicatione," and Languet's "Vindiciae contra Tyrannos"; the other that, asking the librarian at Nancy for amusing books, he received a stern rebuke which he never forgot: "My friend, you have come to the wrong place; we furnish only instructive books." His earliest important effort as an author was a powerful plea for the rehabilitation of the Jews, which attracted general attention. A village rector in Lorraine, he gained the love and confidence of the people far and near, being chosen as a matter of course to represent the lower clergy in the States-General. As a deputy he was a passionate reformer, being foremost in the struggles against primogeniture and all the feudal privileges; he seconded Collot-d'Herbois's motion to abolish royalty, but did not vote for the execution of Louis XVI. His work on the Ecclesiastical Committee was largely critical, but it was his power of persuasion which organized the movement in which so many of the clergy accepted the Civil Constitution. His character was spotless. Sent with two colleagues to arrange for incorporating Savoy into France, he lived with such economy that he saved a considerable sum from his slender allowance for expenses, and this he returned to the treasury, shaking it out of a knot in his handkerchief. When on one occasion at Nice his supper was two oranges bought for two cents, he expressed joy that he cost the republic so little. It was he who gave form to the decree against royalty, and he naïvely relates that on its adoption he suffered from such an excess of joy that he could neither eat nor sleep.[1]

[1] Grégoire, Mémoires, edited by H. Carnot, 2 vols., Paris, 1857.

Gerle the Carthusian was prior of the convent of Porte-Sainte-Marie. In the Electoral Assembly of Riom he successfully withstood Bishop Bonal in the latter's effort to have the cahiers voted by orders, and was consequently elected to the States-General. His natural leanings were radical, though he seems at first to have been a sincere Christian. His erratic course will be recounted in another connection. It appears to have been caused by a steady degeneration in a brain never too strong. He was a puzzled mystic in his associations with the women prophetesses Suzanne Labrousse and Catherine Théot. Vague in his ideas and foolish in his behavior, he seems to have had some conception of reform as a return to primitive simplicity. But he was never taken too seriously either by himself or by others, and died in obscurity.

A most interesting light is thrown on the condition of religious sentiment in the Assembly, at the time of appointing the Ecclesiastical Committee, in a connection quite different—namely, in the debates on the famous Declaration of the Rights of Man. These took place on the twenty-sixth and twenty-seventh of August. The preamble itself was a compromise, for an effort was made by men who were atheists at heart to exclude from it all mention of God, on the plea that the idea was either too trite or too universal to need mention. In the end the clause ran: "The National Assembly acknowledges and declares, *under the auspices of the Supreme Being*, that the following rights belong to men and citizens." These rights were quickly enumerated in the abstract: liberty, property, security, resistance to opposition. The younger Mirabeau pleaded that the Ten Commandments be inserted as the first paragraphs of the new constitution, but this was felt to be superfluity; each faction had a different conception of the reali-

ties underlying the abstractions enumerated. To the churchman religious liberty, for example, meant a dominant church with toleration for the sects; to the moderate reformers it meant absolute equality of church and sects; to Mirabeau the very word "toleration" was a tyrannical anachronism—in a free system there could be no authority capable of tolerating.

It might be supposed that the radicals and philosophers would have been like minded with Mirabeau. Not so: they were as intolerant as not even an Ultramontane churchman dared to be, and desired the utter abolition not only of ecclesiasticism, but of all religion. While the Declaration was the pet device of these last, they were compelled to adopt language of double meaning. Paragraphs sixteen, seventeen, and eighteen of the paper are as follows: "The law not being able to reach secret offences, it belongs to religion and morality to supply the deficiency. It is therefore essential, for the good order of society, that both should be respected. The maintenance of religion requires a public worship. Respect for public worship is then indispensable. Every citizen who does not disturb the established worship ought not to be molested." Apparently this language gave no legal existence to non-Catholics: the word religion was still synonymous with Catholicism to the cleric.

The prelates were satisfied; the Bishop of Clermont quoted Plutarch as a commentary, "A city is in the air without religion; there can be no commonwealth without worship." Laborde was the only one flatly to demand entire religious liberty. The debate was brilliant, but stormy and ineffectual; the conservatives, supported by the clergy as a whole, never flinched from the position that respect for religion is a duty; the opposition asserted that religious liberty was a right. At last it

was evident that there must be a postponement of legislation: all that could be gained was a declaration that there was to be no interference with religious opinion as long as the order established by law was not violated.

From first to last, so far, the parish clergy had identified themselves with their brethren of the third estate; they were all one in this fundamental position. But thereupon began a movement in public opinion which by the middle of October was so strong that in the mass men no longer drew any distinction between the two grades of the clergy. The feeling of hatred for the priests was perhaps ill founded, but it existed. It was due to the printed reports of the ill-omened banquet of October second, given by the Life Guards to the garrison of Versailles, a force which had been steadily strengthened and did not conceal its reactionary temper. A well-grounded opinion was abroad that the court party were intriguing to carry the king to the fortress of Metz, whence he might dictate terms.[1] Petitions to this effect were secretly handed about and numerously signed by the clergy. When on the very heels of this intrigue followed the banquet scene in the theatre, where king, queen, and court were all enthusiastic spectators, during which the commonwealth cockade was trampled under foot, at least as reported, and with the white cockades of the crown the black ones of the church were widely distributed, the fury and rage of Paris burst all bounds. Mob violence forced the king to Paris.

Such were the circumstances which led to a general reprobation of the whole clergy as alike ecclesiastics at heart, and in particular of their deputies. The populace began to heap reproach upon them, one and all, ren-

[1] See the letter of d'Estaing, quoted in Thiers's History of the French Revolution, I. 97-98.

dered their persons unsafe, and as a corollary called for the secularization of all the estates upon which ecclesiastical power rested. Then, and among the very men who should have endured unto martyrdom, began preparations for the cowardly desertion which was in itself a confession of corruption. The Archbishop of Paris (de Juigné), the Bishop of Nantes, and other high prelates abandoned their posts and began the exodus known to history as the Emigration. The tide of ecclesiastical nobles having set forth toward lands hostile to France, that of secular ones was soon to turn thither also. Panic begets panic.

The ambiguous language of the Assembly on the subject of religious liberty, though it marked the first stage of victory for the cause, satisfied nobody, and for that reason wrought disaster in the nation. The disintegration of the clerical forces gave new vigor to the radicals and emboldened them to dangerous schemes. With the anarchists they spurred their sympathizers on to disorder; disorder completed the dismay of the privileged classes. The finest sentiments had been expressed by the sterling men of historic sense—men like Laborde, Mirabeau, de Castellane, and Rabaud-Saint-Étienne, who was a son of the famous pastor of Nîmes, the stern and logical, yet eloquent and persuasive leader of the Protestants. Not one of these men was a fanatic, and since their memorable utterances not a single idea has been added to the standard and convincing pleas for religious liberty; it was the Protestant representative of numberless martyrs for conscience sake who, joining himself to the supporters of Grégoire, pleaded and won the cause of the outcast Jews.

And it was this passion for the broadest liberty which likewise animated the Ecclesiastical Committee. In his excellent history of its career, Durand-Maillane

faithfully depicts the behavior and sentiments of its members.[1] Feeling that heroic treatment of the questions submitted to them was imperative, they literally clasped hands in unity. One and all they had suffered under the same tyrannical "infamy," however widely separated the degrees and kinds of tyranny they might have experienced; but they undertook their task in charity and harmony. Had the Assembly been like minded, the course of history would have run in another channel. Neither fine words nor a charitable temper, however, availed in it; the monarchy was sullen, the privileged classes were either terrified or defiant, the masses were eager, the radicals were fanatical. Step by step the management of affairs slipped from the control of the judicious: with painful regularity propositions fair in themselves were elaborated into extreme theories and urged with defiant haste. The enthusiasm of May vanished before the gloomy radicalism of November.

[1] Histoire Apologétique du Comité Ecclesiastique de l'Assemblée Nationale, Paris, 1791.

VI

SEIZURE AND SALE OF ECCLESIASTICAL ESTATES

VI

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THAT was a perilous appeal which the Bishop of Uzès (de Béthizy) had made on the night of August fourth, when he declared that clerical property and privilege, having been granted by the nation, could be recalled only by the nation: it was but a few days later that La Coste flatly said that ecclesiastical property belonged to the nation. On September twenty-sixth, de Jessé, deputy of the nobles from Béziers, in discussing Necker's proposal for radical measures of financial reform, suggested as an immediate resort the superfluous silver plate of the churches and monasteries, and he was supported by the Archbishop of Paris. Both recalled that under the canon law it could be sold for the poor—a poverty-stricken nation was surely poor. For a time they were left almost alone in this position by their angry, contentious colleagues; but three days afterward the offer was formally made by the archbishop and accepted by the Assembly. The ecclesiastical administrators of all ranks throughout all France were ordered, in conjunction with the municipalities, to draw up an inventory of the absolutely essential communion plate, keep it for use, and to send in the rest. The estimated value of this contribution was about twenty-eight million dollars. Thus, in the absence of all coherence among themselves, the clergy opened the flood-gates to a stream they must have

known would sweep away all that the prelates desired to preserve. The attempted diversion of the current only deepened the channel.

Second to none of the economists, not even to his masters, Quesnay and Turgot, was Dupont de Nemours. In a memorable address which he delivered on September twenty-fourth he set forth with imposing presence and urbane language this thesis: that the clergy, having become in process of time the first estate of the realm, had established an empire within the state which was no sooner strong than it flatly repudiated its obligations to the state, and had continued so to do for a period of eighty-three years. Within this period, had it contributed in proportion to its means, not as the people did, but even so modestly as their fellows in privilege, the nobility, had done, the state would at the moment be in possession of five hundred and forty million dollars as a reserve capital. The corporate clergy having been overthrown, the corporate state was of course its heir, lawfully entitled not merely to its own due, but to the entire heritage. What the Roman law would have called a deposit must now return to the true owner for the maintenance of worship and its ministers; for the preservation and improvement of public education and charities. In support of his position he gave a minute and laboriously combined table of the annual deficits for eighty-three years past, caused separately and collectively by the clergy's withholding its just contributions; his deduction he justified by arguments and facts in appalling array. Twelve hundred million dollars he showed to be the value of this heritage.[1]

[1] The table is given entire in Robinet, I. 156. It is very important to note that in the last three quarters of the nineteenth century the religious associations of France have accumulated, according to the official valuation, about one sixth

With the logic of fierce indignation, the nation was now asking not merely whence came this monstrous, swollen treasure: but, what was even more concisely logical, to what uses were this fortune and its income put? As has already been reiterated, though not with the damning iteration which was daily and almost hourly on the lips and babbling tongues of the myriad angry agitators throughout the length and breadth of France, the overwhelming mass was shamelessly abused for the luxurious living of an overbearing prelacy. Where should most of that and all the remainder have rightfully been applied? The answer was plain: to the alleviation of sorrow, misery, and suffering throughout the realm. De Juigné, Archbishop of Paris, was known as the "father of the poor," and there were scores like him; their lofty pity covered true hearts as they doled their charitable pittances to their humbled and crushed but embittered fellow-men who existed in penury. But by right, said the radicals, it all belongs to the poor, among whom these princely prelates should be the poorest. And as for the remnant of ecclesiastical moneys, behold the shocking abuses connected with their management!

It would indeed require a pen dipped in gall and pointed with nitre to depict the maladministration of the public charities with which the estate of the clergy was charged, both spiritually and financially. Seventy years earlier Massillon had sternly reminded the ecclesiastics of his diocese that, should the givers of their ample endowments return to earth, there would be a

of this sum in real estate alone —viz., two hundred and twenty millions. What their personal property in chattels and treasure may be cannot be discovered, but it is thought to be very large, probably five times the value of their landed estates. Naturally, such another accumulation of mortmains is thought to menace the state

fearful looking for of judgment. Since his day matters had gone from bad to worse, and an eye-witness, writing two years before the outbreak of the Revolution, asserted that the religious establishments consumed their revenues in luxury, leaving children without instruction, the sick without consolation, and the aged without support. The unparalleled increase of population in the environs of the monasteries common fame attributed, and correctly, to the licentiousness of their inmates. Even after the abolition of money tithes, abbots and priors still squabbled with the poor over the possession of the tithe sheaf. The complaints and instructions (*cahiers*) of the parishes have only one tale to tell—that the upper clergy rolled in wealth while the poor were absolutely destitute. Some begged the king to confiscate the revenues and apply them to their proper sources. The reports on the hospitals beggar all comparison for a revolting record of mismanagement: corpses left indefinitely in beds with the living, fetid wards, filthy operating-rooms, women in childbirth crowded by threes and fours on the same couch.[1] As to the prisons and houses of correction, they were simply pest-holes packed with diseased and corrupted humanity like negroes in the hold of a slaver, wallowing in the infection of their own filth. The refuges for the insane were even worse. And all these institutions were thronged with fiends in the guise of keepers, who jeered and mocked at the misfortunes of the miserable objects of their brutality. With even so bald an outline of horrors before us,—an outline which can be filled in with the darkest shadows and no lights, which the pencil of a Rembrandt could shade with storm and night without suspicion of invention,

[1] Tuetey, L'Assistance Publique à Paris pendant la Révolution, Introduction, pp. xxxi.-xxxiii. Also Document No. 39.

the contemporary official evidence being abundant and irrefragable,—can we wonder that the plea of the clerical deputies against confiscating what they were pleased to call "the goods of the poor" fell upon deaf ears and hardened hearts?

No one was more familiar with the abuses of clerical administration than was a certain man of the order. He knew it root and branch, in all its departments, including that of public charity. Like scores of others, he was himself the victim of the infamous system; but he was more bitter, more able, and more determined than the rest. This man was the youthful Bishop of Autun, already prelate and aristocrat in one, later to be known as the Prince Talleyrand-Périgord. Forced, against his will and because of a slight lameness, into the ecclesiastical career, he chafed under its restraints, and found in the Revolution exactly what he needed for his emancipation.[1] This vindictive personage was the mouthpiece of a committee of twelve, appointed August twenty-eighth, 1789, to consider how security was to be found for a loan of sixteen million dollars. Some of the clergy had already offered as a free-will contribution their own or others' church estates. He squarely took the ground of La Coste and Dupont, that the nation should take back its own. Planting himself firmly and exactly on the ground of Dupont's argument, he proposed, on October tenth, that the principle which had been decided by the decree abolishing tithes be extended to all church property.

His speech was eloquent, adroit, and, to men in the temper of his auditors, convincing. Already, on the fifth and sixth of October, the city mob had shown its temper, as has been previously related, and in dreary

[1]See his statements to Mme. de Rémusat, given in her Mémoires.

triumph had forced the king to return from Versailles to Paris. It was their power which was in reality the sanction behind all of Talleyrand's arguments for secularization; the Assembly uneasily felt that the debate within its walls was fast becoming a hollow form. Still, the matter was postponed until the thirteenth, and on that day Mirabeau, no doubt after one or more exhausting sessions with the feeble king and stubborn queen, brought in the formal motion that the property of the clergy is the property of the nation. Worship, he explained, was to be maintained and the salaries of priests were to be a free parsonage, with garden attached, and twelve hundred livres in money.

It is one of the misfortunes of France, although it be, as it is, the very quality which has made her the schoolmaster of the ages, that her thinkers can open no question for discussion without mounting, stage by stage, to the origins. This is really to discard the experience of all the ages, and to reduce the practical logic of past generations to the abstract and inconclusive syllogism of one remote from the facts. Already the question not merely of ecclesiastical property, but of all property, had been hotly debated in newspapers and pamphlets. The contest was now transferred to oral discussion in the Assembly upon the familiar lines—supporters of the old system with reform, extreme socialistic, even communistic, declarations by the revolutionaries, and, as usual, the mediating party.

Mirabeau's argument was very specious. Moreover, it was perfectly adapted to his audience: not so much that which was within the walls of the assembly chamber as the greater one without the precincts which hung on his words. His first argument was drawn from Rousseau, and was utterly fallacious. All property is based on the written law of society; what the

law gave to the clergy it can take from them. This perhaps would have some validity in the case of corporations, which are artificial persons created by the law, but it could have none in regard to natural persons, whose existence and rights are independent of the state. In the last analysis even corporate persons are composed of individual men, moreover, and the argument is partly anarchistic. Mirabeau, however, asserted in his second argument that, as opposed to the state, corporations can have no existence whatever "if they have ceased to be useful." This would of course abolish the church as well as its property. Finally, pleaded the orator, since the clergy no longer exists as an order, it cannot own the ecclesiastical estates. This was a juristic non-sequitur; for the church, as such, and the clergy, as an order, had owned nothing; the artificial persons, known as parishes, dioceses, monasteries, and the like, were seized of what had in most cases been specific gifts to them.

Most of the high clericals were weak and talked aside from the facts, even suggesting that reforms should be made "canonically." Two of them, however, had something real to contribute: The Abbé Maury mercilessly riddled the arguments of the socialists, who made all property rights dependent on state support; while he likewise proved that the separate pieces of the church estate belonged to persons—moral ones, but still persons. Camus, the Jansenist, with his precisian severity, argued that as the state did not make the church corporations, it could not destroy them; the obligations of one to the other were reciprocal. The offer of state pay he regarded as an insult, for it subordinated the church, which, if not superior, was at least historically coördinate. Incidentally, Maury showed how infinitely more dangerous to the state than the accumula-

tions of the church were the operations and unholy hoards of the stock-jobbers (*agiotage*), about which not one word had been said because these unscrupulous robbers meant to escape the just penalty of their crimes by outcries against the church.[1]

But prescription is a poor cry at the bar of revolution. The lower clergy, represented by Gouttes and Jullet, emphasized the degrading effect of wealth on the prelates and the consequent loss of influence by the whole body. Pétion interrupted with a cry that wealth had ruined their morals, and there were shouts of "Order," but Camus, then in the chair, said he could not censure in the rostrum what was printed all abroad. The lawyers Thouret, Chasset, and Garat showed that an individual might and did have the imprescriptible right of property, but not corporations, especially one so hostile to the nation, the very law-making power which upheld it. Garat went so far along the path of Rousseau as to declare that the state could, if it chose, abolish Christianity and seek a more moral religion. From immemorial times the monarchy had controlled in various degrees the ecclesiastical corporation; its successor could, if need be, abolish it and substitute another.

It was on October thirteenth that the weightiest and wisest speech of the whole discussion was delivered by Malouet.[2] His words were those of the conciliator, the man of historic instinct struggling to preserve the continuity of the old regime with the new. With the followers of Rousseau, however, he confused liberty

[1] These debates are given with sufficient fulness in the Archives Parlementaires, First Series, Vol. IX. Mirabeau's most important speech will be found on p. 604; that of Talleyrand—a summary never delivered of what he had already said, or said later—on p. 649.

[2] Archives Parlementaires, IX. 434. For the text, see Appendix I. *infra*.

and popular sovereignty, admitting that religion and royalty were alike subject to the omnipotence of the latter. But the Assembly, he pleaded, had no mandate from the general will to deal with so grave a question; let a commission be appointed to study it. In the end all surplusage of property not required for the support of worship should be handed to the civil authorities for the public charities; since poverty was the curse of the state, let the state administer matters for its own welfare. Meantime no nominations should be made to abbeys or other sinecures; there should be no increase in the monastic establishments.

The whole argument fell on respectful and receptive ears, but it could make no impression on the clamorous mob which now both held the king a prisoner in his own palace and menaced the Assembly in the hall of the archiepiscopal palace where it was then sitting. On the twenty-eighth of October, 1789, a sop was thrown to Cerberus in a decree for the temporary suspension of religious vows. Two days later the great Mirabeau came forth once more and eloquently defended his first proposition. On the thirty-first the prelates, in affright, offered eighty million dollars toward the national deficit, and promised to accept thorough reforms. The vote on this proposition was postponed for two days, and on the second of these, November second, 1789, the mob appeared, whether by prearrangement or not is unknown, before the hall of the Assembly. As a last concession in the interest of unanimity, Mirabeau then proposed an amendment. The decree should read not that church property is national property, but "is at the disposal of the nation." This was carried by a majority of five hundred and sixty-eight to three hundred and forty-six; over two hundred were absent, and forty abstained from voting.

It was John Huss who began the agitation for transferring such ecclesiastical property as was in the shape of landed domains to the control of civil power, and the Reformation on its secular side was the process whereby the transfer was effected. The same proposition was early enforced in France by a pamphlet published in 1641, one copy of which is still extant in the Musée Carnavalet of Paris; its author was an otherwise obscure man, François Paulmier. The next statement of the principle is found in the anonymous volume entitled "Autorité des Rois," written and circulated in the highest circles soon after the brochure of Paulmier, but not printed and published until a century later. It is a compendium, by a brilliant jurist, of the theory and practice of the crown in this momentous matter. Property acquired under civil regulations, runs the argument, can be alienated only likewise, and is held subject to the charges laid by the state; and for the expenses of the state the sovereign can supply his wants, as, for example, the public defense. This was the tradition of the old monarchy beyond a peradventure, and was published as such by Machault in 1749. The Assembly therefore was in its heroic measure fully within the limits of the time-honored claims of the civil power regarding church property, even though its action was based on doctrines unknown to the Roman law as set forth by the jurists of Louis XIV. In providing salaries for those who would otherwise suffer by its course it unfortunately failed to explain its reasons, and the conservatives claimed that in thus paying for church services it had merely entered into a new compact with an organization not abolished, but continued on a new basis. This was not true, as was very quickly proved.

If the Assembly acted cautiously and historically in

secularizing the ecclesiastical estates, it likewise acted moderately and wisely, though rapidly and under compulsion, in the use it made of them. In judging we must recollect that the spectre of national bankruptcy was ever in the background. Its demands were incessant and imperative. The first step in meeting them was to take possession. On November seventh Talleyrand proposed that seals be placed on the safes in which were deposited monastic titles; inventories of them were then ordered to be taken; on December fourth it was moved that the Assembly proceed to the sale of both royal and ecclesiastical domains; on December twentieth the proposition was voted; on March sixteenth, 1790, the commune of Paris made an offer for forty million dollars' worth. Thus the process was considerately inaugurated, but the deed was done, and it thoroughly aroused the angry passions of the great ecclesiastics.

This exasperation of a powerful class was unfortunate. It has been claimed that it was unnecessary. Possibly this is true. The interdiction of all new foundations and of any increase to those still existing, together with a process of consolidation, would have furnished six million dollars at once, with a prospective hundred and twenty more in the immediate future, according to Malouet and his reforming supporters, men like the Archbishop of Aix. And, further, the royal or civil foundations might have been secularized, leaving those due to private bounty untouched—such, for example, as exist in our own country. But Rousseauism was all abroad, and Rousseauism forbade such a course; the thought of a free church and a free state was as abhorrent to its devotees as it was to those of the scandalous infamy now doomed and already disappearing. The financiers secured, on December twentieth, the right to sell both ecclesiastical and royal do-

mains to the extent of eighty millions of dollars as security for the promissory notes bearing five per cent. interest—the notorious assignats which in the end wrought havoc to the republican finances.

It is not difficult at this distance of time and place to see the fatal errors of the Assembly. Its initial intentions appear to have been good, but good intentions without wisdom in conduct are the kind with which hell is paved. Institutions which have been the growth of ages, whether political or ecclesiastical, may not be handled like the abstract factors of a mathematical problem; if they are to be reformed, it must be by a slow process of tentative changes based neither on logic nor on necessity nor on expediency alone, although with due regard to the element of absolute right which must be continuously operative. The only possible reformer, moreover, is the friendly one; the enemies of an institution can become only radical revolutionaries when they begin to change it, our human nature being weak and selfish as it is. The great members of the Assembly were not friendly, as we have seen; many of the most adroit were devotees of the system of natural religion expounded by Rousseau in his *Émile;* between them and believers in a revealed religion there could be no peace, not even a truce. One and all the various sets of reformers could deal moderately, as in a sense they did, with the political hierarchy. For this the reason is plain: as far as knowledge goes there was not far and near in France a handful of radical democrats at the outbreak of the Revolution. But moderation in regard to the ecclesiastical hierarchy was almost impossible because there were scores and hundreds of embittered foes—Gallicans, Jansenists, Protestants, Deists, and Atheists. It was natural that men conservative in politics should act as such within

that sphere, and that the same men, radical in church matters, should be ruthless, as they were, in dealing with the clergy and the ecclesiastical domains. It was religious radicalism confronted by a haughty, tactless ecclesiasticism allied with monarchy which in no extended time created the faction of radical democrats in politics. In this quick genesis appeared all the elements which steadily continued to undermine the whole structure of French society, fair as the exterior remained, until at the ripe but unexpected moment it crumbled into dust, to the dismay of the civilized universe.

VII

PRELUDE TO THE CIVIL CONSTITUTION OF THE CLERGY

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FEW things happen in France at any time without the exhibition of a powerful dramatic element. Least of all could the climax of an attempted compromise between God and Belial be reached in a seething revolutionary epoch without a display of fiery passion. No more thrilling scene was ever unfolded on the floor of a legislative body than that which was now to be caused by the motion of Dom Gerle. Strange compound as he was of Carthusian monk and radical revolutionary, he believed himself to be taking a step of simple justice when he proposed his resolution. But his friar's garb was like a theatrical costume in that modern setting; the accents of his voice, the attitude he struck, and the well-known character of the man were all of a histrionic quality. The turmoil which ensued, the fierce and angry cries of the radicals, the wild enthusiasm of the conservatives, the hurried consultations, the dismay of the cautious, the swift resolves, the savage gesturings, the dissolution of the Assembly into a mob, and the final disruption of the conservative elements—these were of the highest dramatic force, because they marked the beginning of a new process, the rise of a determined democracy, as grim in its political radicalism as it already was in its ecclesiastical iconoclasm.

The clergy, occupied exclusively with the preservation of their privilege, had made a fatal mistake in neither considering nor presenting what became imperative after the abolition of tithes, a constructive plan for the reform of ecclesiastical finances. The sacrifice of the communion plate was in a sense a free-will gift. Simultaneously with this voluntary contribution there arose discussion on the question of paper money. Mirabeau had then implored further patriotic gifts as a temporary resource. The next step was the declaration that ecclesiastical property was at the disposal of the nation. Meantime the emission of paper money continued to be a topic of discussion throughout France. Then on December fourth Talleyrand proposed that money obtained from sales of the royal and church domains be applied toward securing the national debt. Thereupon this proposition became the topic most widely discussed within and without the Assembly. On the eighteenth Treilhard supported Talleyrand's proposition in the most powerful speech of an epochal debate. And thereupon ensued the measures of alienation and seizure recounted for the sake of continuity in the last chapter.

Those measures were in reality precipitated by the startling occurrences of the nineteenth, unforeseen events which brought above the horizon a question hitherto obscured. Although the prelates shared the public disesteem as members of the aristocracy, the curés too, strangely enough as it seemed to them, were now held in no consideration. Having shown their faith by taking the earliest measures of relief for the starving poor of city and country, they had laid aside all remnants of mediævalism except their garb, had been eager to abandon the tithes, to sacrifice all perquisites, such, for example, as the surplice fees (*casuel*), had identified themselves with the third estate,

had steadily supported the proposition that the nation was bound to supervise the ecclesiastical estates with a view to seeing the revenues reach the aims for which they had been destined. Yet they met with the very harshest treatment on the streets and in public places, wherever they came under the observation of the Paris populace. Why? Because they could not conscientiously assert that church property was national property, and would not. Nor as a class could they support the view taken in the act of November second, that ecclesiastical property "is at the disposal of the nation." The people began to ask what really were the fundamental facts of the discussion. Treilhard found the test of all property in the power of its holder to alienate it, and that crucial act the church could not perform with what it claimed to possess. The deduction seemed clear to the meanest mind and the whole argument was to the masses unanswerable. They grew, therefore, as their want increased, more and more bitter against those who would not yield to the force of conviction which they themselves felt.

This pressure explains as nothing else can what happened on December nineteenth. On that day Treilhard presented what purported to be the first report of the Ecclesiastical Committee, a paper outlining a plan of work, and recommending as the first step to be taken the entire abolition of religious vows. Some of the foundations already existing were to be maintained as places of refuge for those desiring to continue the monastic life. A moderate provision in money was to be made for the men and women who, having been devoted to the religious life of the cloister, now wished to reënter the world. The chairman of the committee, the Bishop of Clermont, solemnly declared that he knew nothing whatever of the report presented, that he had never attended a single meeting of the committee where such

proposals were offered, and was a stranger to what was now laid before the Assembly in its name—viz., the entire document with all its proposals. Thereupon there was no outburst of honest indignation as might have been expected, but instead, with little or no disapproval, the entire proposition was on the twentieth made a law. There is no indication that there was any chicane or fraud in connection with the report except the unsupported statement of a single man—a man who had continuously denounced, in the prelatical interest, all measures to secure by means of inventories accurate knowledge as to the incomes of the ecclesiastical beneficiaries.[1] So deep-seated was the distrust of him and his class, that coincident with the enactment of the law which virtually abolished convents and nunneries, preparation was made for remodelling the committee. Of this mention has already been made; it was accomplished on February seventh, 1790, the result being to make it more liberal, in fact almost radical. On February thirteenth the course recommended in the report as presented by Treilhard was finally adopted by the Assembly. The first great sale of what had been designated royal and ecclesiastical lands was therefore a sale largely of commendam properties. It was made to the commune of Paris a month later. The administrative measures taken to consummate this important measure brought forward the secular question. Both were carefully debated, and when finally settled the "mobilization of church lands," as it was called, was extended to those of the crown, and thereupon the first issue of paper money was made on the security of a national estate composed of both.

[1] Durand-Maillane, Histoire Apologétique, p. 31. The author flatly contradicts the assertions of the bishop. He had heard him in the committee approve the reform of monastic establishments, even to the confiscation of their estates.

All sensible Frenchmen had long understood that the involution of ecclesiastical affairs with the national finance was such that a wise reticence on disputed and tender points of religion was the only chance of preserving the essentials. The treatment of the monastic estates should have further enforced the sagacity of this view. But again the fuse of the revolutionary bomb was lighted by the churchmen themselves. They were now profoundly alarmed. It could no longer be a question of privilege: it was something truly vital that was in the balance—viz., whether or not there was to be any state church at all in France; and if so, was it to be a Roman church? The very idea created a panic, and when monasticism was denounced on the floor as a form of civil suicide, the clerics felt the foundations trembling beneath them. This language seemed profane. It was in such a moment of despair that, with unconsidered haste, on February seventh, 1790, the Bishop of Nancy called on the Assembly to declare Roman Catholicism the religion of the state and nation. A strong majority asserted its devotion to the state, but evaded the implied religious test by voting the previous question. Still another element of terror struck down the hearts of the clergy—viz., the new attitude of the Assembly toward the Protestants. No longer regarded with mere toleration, they were at last in the forefront; on March tenth Rabaud St.-Étienne, son of the proscribed Protestant pastor of Nîmes, succeeded Montesquiou as chairman of the Assembly; as he wrote to his father in pardonable exultation, "The president of the Constituent [Assembly] is at your feet." [1]

[1] Rabaud was noted for his refinement, learning, and eloquence. For the latter gift many compared him with Mirabeau. He was a prime mover in the agitation which secured the edict of tolerance. It is interesting to note that the

These were the successive steps which led up to the crisis. The Roman Church had been divorced from the French nation. The machinery of government had stripped it first of its tithes and now of its estates. The hierarchy and the organization still existed, and an implied contract had been made which was to assure the support of worship. But what was the status of Roman Catholicism as a religion? Was it henceforth to be tolerated as one of several sects, all alike indifferent to representatives of the people governing now by the rule of a majority hostile not merely to ecclesiasticism, but to the Catholic religion itself—a majority which had chosen a Protestant to preside at the councils of the nation? On the thirteenth the Abbé Montesquiou, struggling in vain to impress a determined audience against its will, left the desk with a despairing appeal for the divine protection. His words were a wail which profoundly moved many hearts. The superserviceable Carthusian, Dom Gerle, was completely overcome and outraged. He leaped to his feet and, denouncing the charges of his predecessor against the Ecclesiastical Committee as a vile calumny, moved that in proof of his assertion the Assembly decree the Roman Catholic Church the dominant legal church of France. It was then that pandemonium broke loose. Conservatives cheered the proposition as coming from an advanced opponent; the moderates and radicals alike

watchword proposed by him for the French Revolution was "Liberty, Equality, Property," a cry almost identical with that heard in England during the revolution of 1688. This was in July, 1789; in August his was the most eloquent of the speeches supporting Castellane's motion, the refrain being "not tolerance, but liberty." He desired a monarchy with the suspensive veto and a single legislative chamber. He was delegate for Nîmes in the Assembly, and for Aube in the Convention. His special interests were education and the militia. He voted for the banishment of Louis XVI., and proposed the public-school law.

protested, the latter in sneering insincerity, that no such platitude need be asserted. Marshalling all their sympathizers, the reformers forced an adjournment.[1]

The night was one of turmoil. The palace of the Tuileries was closed, its guards were redoubled, and the radical press breathed fire and slaughter against all clericals. The Catholics discussed and canvassed, the Jacobins fiercely denounced Dom Gerle, and, overawing him by fierce argument, secured his promise to withdraw the motion. Next morning terrific disputes began at once. From the tactical standpoint it was bad taste for Montesquiou to have taken the attitude of sentimentality under persecution, but it was fatal for Gerle to have forced the issue as he did. There could now be but one question, "Should the Catholic, Apostolic, and Roman religion dominate, or should it be subjugated and reduced to the plane of a sect?" Mirabeau struggled to hold the middle course; but, swearing at first to die as a martyr unless Catholicism were declared the national religion, he recoiled to almost the antipodal extreme before an appeal to the same end which was made by a deputy and based—shocking plea!—on the oath of Louis XIV. taken on January twenty-fifth, 1675, a century before! This was suicidal folly. Mirabeau was furious. With an awe-inspiring gesture the leonine orator pointed from the tribune at a window, easily visible, whence, he reminded his audience, another king, desiring to mingle temporal with spiritual interests, had signalled by the discharge of an arquebus for the massacre of Saint Bartholomew.

Still his meaning was plain. Known to be daily in consultation with the court, he clearly implied that

[1] De Pressensé, The Church and the French Revolution, Engl. Trans. by Stroyan, p. 109; Gerle's motion was, "is and shall forever remain the religion of the nation, and that its worship shall alone be authorized."

while others had been faithless, and while therefore the historic argument was worthless, Louis XVI. was a man who could be trusted not to commingle spiritualities and temporalities, a possibility in which the party of the Revolution would not believe. Mirabeau was hooted down. Another and extreme conservative called attention to the presence of the guards as a measure of intimidation, a menace to free discussion; but he asserted that he himself was not awed—not he. There were roars of laughter. Lafayette was applauded to the echo when he asseverated the devotion of his guardsmen to the Assembly; they would shed the last drop of their blood to see its decrees executed, he declared. And so with intermingled hoots, cheers, and laughter was taken a momentous step. The Assembly refused to vote Catholicism the national religion.

After hours of excited talk the majority finally succeeded, therefore, in passing a substitute to Gerle's motion. It was offered by Rochefoucauld. "The National Assembly, considering that it neither has nor can have any power over consciences and religious opinions, that the majesty of religion and the profound respect which is due to it do not permit it to become the subject of deliberation; considering, further, that the attachment of the National Assembly to the Catholic, Apostolic, and Roman worship should not be put in doubt at the very moment when this worship is about to be placed by it in the first class of the public expenses, and when by a unanimous movement it has proved its respect in the only way which could be suitable to the character of the National Assembly, has decreed, and does decree, that it neither can nor ought to deliberate on the motion proposed, and that it is about to resume the order of the day concerning the church domains."

The high clericals, thirty-three bishops and twenty-six abbots and canons, then left the hall; with them went seventy-nine parish priests. Organizing a meeting, they at once drew up a passionate address and protest.[1] They asserted in it that under instructions they had come to Versailles for the purpose of securing as an article of the constitution "a declaration that the Catholic, Apostolic, and Roman religion is the religion of the state, and the only one which ought in this kingdom to enjoy the solemnity of public worship." Their attempts having been fruitless and liberty of speech having been denied them, they now despaired of success and wished so to inform their constituents. After the protest they resumed their seats, but in the main kept silence. A single proposition was timidly put forward by one of the archbishops (Boisgelin), that the clergy advance eighty million dollars and be permitted to retain control of the remaining ecclesiastical funds. But the idea could not even get a hearing. The Assembly then went forward with its work. On April fourteenth the fateful decree was finally passed; the property "at the disposal of the nation" was assigned to the civil authorities of the departments; tithes were to cease after January first, 1791; salaries were to be paid to the clergy in money; relief was voted to the poor and to those who really suffered in the suppression of the monasteries.

Something should be said in passing, if only a word, concerning the lofty aspirations of the Assembly in dealing with poverty; for they display its enlightenment and intelligence as much as any of its enactments. The committee declared the basis of general well-being

[1] For the scenes of this debate, see the Moniteur for April, 1790; Buchez et Roux, Histoire Parlementaire, V. 345; Ferrières, Mémoires, Livre V. 221; Hesmivy d'Auribeau, Extrait des Mémoires, I. 181.

to be the soil, and since agriculture had suffered beyond measure in the extravagant appropriation of land to pleasure, while at the same time undue pressure was brought to bear for the increase of population as a military resource, their first effort must be to attract the four or five millions of worthy poor toward the fields. Professional paupers, sedentary and vagrant, must be forced to work under severe penalties. The first class of worthy poor, abandoned children or foundlings, must be removed from the vast houses of refuge, which were nothing more or less than training schools of pauperism. Adults must be stimulated to exertion by the prospect of possession, and to this end the newly acquired domains of the state should be sold in very small parcels under the easiest conditions. These measures taken, a vast scheme of relief for the infirm and aged must be devised, and a thorough reform of abuses in hospitals and prisons must be undertaken.[1] Severe laws against begging must be enacted, the sedentary paupers must be kept under surveillance and vagrants confined in houses of correction, the entire system to be administered with a view to reforming the inmates. Every provision must be made to prevent the contagion of vice as much as the contagion of disease.

The committee was just as strong practically as theoretically. Commissions of investigation probed ruthlessly every sore, and finding that about one million—almost a twentieth—of the population required aid, either as sick, infirm, aged, or children, as paupers able to work and as beggars and vagabonds, they appropriated about eleven million dollars from the revenues of the new domains for hospitals, for the helpless, for shops to train paupers into habits of work,

[1] The most important documents may be found in Robinet, Mouvement Religieux, I., pp. 220 *et seqq.*

for the repression of begging, and for administration. Two millions per annum were set aside as a reserve. The work was laborious and slow, but in the end it was thoroughly done. The foundation thus laid, the structure of the modern, scientific, and for the most part admirable system of public charities has been growing on the same lines for more than a century.

The destruction of the prelatical aristocracy in the interest of the poor marks a double social process, a levelling down and a levelling up. It is remarkable as a revolutionary phase that during this very period the third estate was busy in the effort to make itself a privileged class, or at least to confirm itself as such. Amid the contradictions of thought and conduct which characterize the time, and probably because of them, arose the new and most modern political concept—a concept that was not inaugurated, but certainly was confirmed by the next move of the Assembly in dealing with the ecclesiastical question, the idea of manhood suffrage. The third estate was, at the beginning of the Revolution, what Siéyès declared it to be—the nation. Numerically considered, about one thirtieth of the population was not comprised within it. Morally, however, its power was exerted by comparatively few, those technically known as the burghers—that is, a certain number of landed proprietors and farmers, all the professional classes, the merchants and manufacturers. The conception of equality was very clear to these, in the sense that they were equal to those above them; but they never dreamed, nor even did Rousseau imagine, the doctrine of an equality comprising the great masses who worked with their hands for their daily bread and possessed no accumulated capital whatever. These latter proletarians did not themselves conceive that they could possess equal rights, for they knew they

had not equal responsibilities. The municipal revolution consequent to the fall of the Bastille was inaugurated by the wealthy bourgeoisie, who furnished the intellectual power, while the proletarians lent the work of their hands and carried it to a successful completion.

Accordingly no amazement was expressed, and but a very mild opposition was made, to the principle laid down almost immediately by Siéyès in 1789, that there were two classes of rights, natural and civil, or, as he designated them, active and passive. Women, children, foreigners, in short all who contributed nothing to the corporate funds of the state, possessed merely civil or passive rights; equality of all rights existed only among active citizens, they alone had political rights, the right to exercise the suffrage. After long debates, the Assembly, accepting this theory, enacted on December twenty-second, 1789, that no person could vote except a Frenchman twenty-five years old, domiciled in the voting district for a year, paying a direct tax worth three days' wages, and who was not a hired servant. The question of three days' wages at once presented difficulties, and they were met by adopting a maximum of twenty sous a day, a modification which tended to enlarge the suffrage considerably. Some exceptions to the law were likewise made, such as national guards who had served at their own expense, and priests.

As to who should be eligible for election the debate was again long and vigorous, bringing to light a more powerful and numerous body of men ready to exhibit the democratic temper than the other measure had done. It was, however, easily settled that for all offices up to that of membership in the municipal assemblies the candidate should pay a direct tax of ten days' wages. For membership in the National Assembly the committee proposed not that the candidate should be a landed pro-

prietor as many urged, but that he should pay a land tax in some form worth a silver mark, or four ounces of silver. This was voted only after very considerable opposition, and in the debate the radicals began to utter strong democratic sentiments. They were met, however, by overpowering expressions of dissent, and the first revolutionary constitution was based on a suffrage limited according to the ideas of the well-to-do burghers.

But the plan could not be made to work. Before it was put into operation many of the most enlightened and moderate leaders of opinion changed their minds, and many admirable remonstrances were read before one and another of the municipal assemblies, notably one written by Condorcet and sent up to the National Assembly by the Paris commune. Opposition was particularly strong in the capital because many of the high-class artisans paid not a direct, but only a capitation tax. The scheme was first put into operation elsewhere, and in many of the villages it was found that there were not enough "eligibles" to fill the offices. Some of the communes evaded the provisions of the law in order to secure a local government, and in Marseilles the voting-lists were prepared without any regard to it. In some of the reported cases there is an element of absurdity, always fatal in the French mind to any device; for example, a village surgeon refused to educate his boy for his own profession, since the cost would so reduce his means as to render the practitioner himself ineligible for office. Yet it is likely that the people of the departments would have proved docile. The overthrow of the system came when Paris saw it in operation. Under the leadership of Marat was organized the resistance to its aristocratic inequalities, and by June, 1790, there was a numerous party favoring universal

suffrage. This, with the situation in which the Protestants and others outside the fold of the Roman Church now found themselves, created a movement of public opinion which determined the next step taken by the Assembly with regard to the clergy of the Catholic Church.[1]

It is not possible to read the hearts of men, but certainly one of the most important reasons for rejecting the motion of Dom Gerle was, that ever since the opening sessions of the Assembly partial measures, not merely of tolerance but of liberty, had been adopted one by one with reference to the considerable body of French dissenters, who had so long been under the ban of allied church and state. Down to the Edict of Toleration the exercise of Protestant worship was utterly proscribed throughout France. After the revocation of the Edict of Nantes, the able and energetic fled to bestow the benison of their character, skill, and refinement upon other lands; of the few who remained the feeble became delirious and fanatical enthusiasts, and the timid outwardly conformed. But in 1715, shortly before the death of Louis XIV., began the wonderful movement, under Antoine Court, which restrained fanaticism, but infused courage into the faint-hearted. It was a serious revival, with the manifest result of gathering the scattered remnant into conventicles and organizing them under elders, pastors, and presbyteries. Although worship was conducted under incredible difficulties, often in remote groves, caves, or deserted houses, under the safeguard of unarmed sentinels, yet organization was maintained, marriages were celebrated, funerals were decently conducted, and the sacraments were administered with much regu-

[1] For a concise account of the debates, see Aulard, Histoire Politique de la Révolution Française, pp. 60 *et seqq.*

larity. The legality of the marriages and the question of property succession soon came before the *parlements* or courts of law. Every political device and legal fiction was employed, with philanthropic zeal and ingenuity, to avoid cognizance of the fact that there was a Protestant Church in France. But the fact was stubborn, and too frequent recourse was had to atrocious persecution for repression. This was done in obedience to the shocking edict of 1724, which condemned pastors to death, male Protestants to the galleys, women to imprisonment for life, all these and many other frightful penalties to be accompanied by confiscation of property.

Persecution reached its height about 1755. Thereafter intelligent public opinion asserted itself more and more, until a certain degree of toleration became essential. It was this which finally found expression in the edict of 1787, a beneficent measure which enabled the scattered congregations to meet, still in private but in security, and the organization to do its work without fear except from the influences of a social ostracism more or less complete. The Protestants in Paris had met irregularly in the chapels of the embassies from Protestant lands, notably that of Holland, in which there was a regular chaplain, an able man whose name was Marron. Under him, with the active assistance of Rabaud St.-Étienne, a congregation was at once organized. It contained many men of mark; some of them, like Cambon, Jean-Bon, Saint-André, Lombard-Lachaux, and Voulland, followed the fortunes of the republic to the end; others, like Clavière, Barnave, Lasource, Servières de la Lozère, Bernard de St.-Affrique, Johannot, and Rabaud himself, having enlisted for reform and not for revolution, withdrew when their ends were gained. Marat was not a member, although he

was of Protestant origin and had lived for some time in Edinburgh; he, with his successor Robespierre, represented the type of fanatical and extreme Calvinistic mind, which so easily identified itself with the authoritarian tyranny of Rousseauism. It was not until June seventh, 1789, however, when the Revolution was launched, that the Protestants were permitted to rent a public hall and hold public services. From that moment, with a single interruption to be described later, they have steadily increased in numbers and have been in the enjoyment of complete religious liberty. On December twenty-first, 1789, the deputy Brunet de Latuque proposed that all "non-Catholics" be eligible for all public duties and offices like other citizens; and on the twenty-fourth this was voted as far as the Protestants were concerned. And immediately, as we have seen, they came to the very forefront; their views were heard with respect, their administrative abilities were recognized, and they were employed in the highest public offices.[1]

But the Jews were non-Catholics too, as the unfortunate phrase ran, and bigotry began its work the moment liberty for all forms of worship was demanded. Even Mirabeau would not support the sweeping position taken by Grégoire and other apostles of the Jews when by a final effort he secured the emancipation of the Protestants. But a vigorous agitation without, both in Paris and in the departments, made itself strongly felt within the hall of the Assembly, and finally the Paris commune made a formal representation in behalf of the Paris Jews. After some hesitancy the Assembly, on January twenty-eighth, 1790, extended the law of December twenty-fourth to such of the Sephardim Jews, known as Portuguese, Spanish, or

[1] De Félice, Histoire des Protestants de France, p. 549.

Avignon Jews, as had been born in France. These had long been distinguished as having settled habits, recognized names, and trustworthy characters. The Aschkenazim Jews, the German Jews of Alsace-Lorraine and the northeast generally, were types of what a long and brutal persecution makes out of men. They were sly, bore no family names, concealed their occupations of peddling and money-lending, and evaded the grasp of the law by easy migration back and forth across the frontier. It was some years before race hatred and prejudice were calmed and they obtained any recognition whatsoever; they were not actually brought under the regulations or within the pale of civilized life until Napoleon laid his heavy hand upon them.

But a year after the emancipation of the Huguenots, on December twenty-fourth, 1790, the Lutheran and Swiss Protestants living within the borders of France received the same rights as the Calvinistic, native Protestants had received—the rights, namely, of complete citizenship. In a sense the Protestants were better treated than other Christians, their ecclesiastical property being in a measure exempted from the laws concerning that of Catholics. It seems like a curiosity of history that simultaneously with the removal of the ban from French Protestants in December, 1789, French comedians for the first time received civil and political rights. So, too, did all men of color residing in France, but not those of the colonies.

These events may be considered as having formed both the prelude and the immediate cause of the next step taken by the Assembly in dealing with ecclesiastical affairs. In abolishing the tithes and secularizing the church estates, they confiscated the entire ecclesiastical temporality. Forced thus into the dilemma of either state or voluntary support for worship, they obeyed a

blind instinct and chose the former. But the struggle was so severe that every element of aristocratic privilege, however slight, was mercilessly exposed to public view and criticised without pity. The new idea of equality among men, without regard to estate or condition, began to work powerfully in all classes, creating a political democracy, modifying the views of all Christians except the Ultramontanes, and thus opening the way for an effort at ecclesiastical democracy.

VIII

THE CIVIL CONSTITUTION OF THE CLERGY

VIII

THE CIVIL CONSTITUTION OF THE CLERGY[1]

ALTHOUGH there was at bottom a radical contradiction between the theories of a secular aristocracy and an ecclesiastical hierarchy, the one being based on birth and privilege, the other on choice and ability, yet they had long been identified in France, as we have seen, by the selection of secular aristocrats for the upper grades of the religious hierarchy. This fact had utterly confused the inherent and basic distinction between the two as far as the masses of the people were concerned. The swift march of the nation toward political democracy, it might be supposed, should have awakened public opinion to the necessity of applying the same principles in the solution of the church question; and this the Ecclesiastical Committee earnestly, honestly desired to accomplish. It is well to recall, as somewhat mitigating the blame of its failure, a remarkable historical parallel. By a due consideration of its attitude of mind and its efforts we may fairly judge the members, and thereby alone.

The representative bodies then familiar to the civilized world were the American Congress and the English Parliament. The French delegates did not doubt that, like the English Houses and like the Conti-

[1] The references for this chapter are the debates as given in the Archives Parlementaires, the Moniteur, and the Histoire Parlementaire.

nental Congress, their own Assembly was a truly constituent sovereign body—in legal theory, the French nation. They were justified in their opinion, for so far in history no convention parliament had sat whose credentials entitled it to be considered more truly national and representative. Now, as was well known, the Long Parliament, under the influence of Selden, had formed an ecclesiastical establishment, Presbyterian in all but name, completely subordinate to the secular power. The Convention Parliament which restored Charles II. to the throne, though royalist out and out, had no thought of restoring an aristocratic prelacy: that which made William and Mary joint sovereigns of the three kingdoms had subordinated the established churches of England, Scotland, and Ireland to the state. The various Constitutional conventions of the United States, federal and State, had gravitated toward the most extreme secular view of temporal supremacy, regarding all religious corporations as in no respect different under the law from those of a voluntary secular nature. Was it to be expected that a supreme, active Assembly like that of France would do less or take a less advanced position?

True, the French thought of the eighteenth century was in some respects far in advance of English thought in the seventeenth, but it was far behind contemporaneous American thought. It could grasp the notion of equality between church and state as antiquated; it could not grasp the notion of a legal relation between the free exercise of religion and governmental administration as a guarantee of the former; it could not go further than the concept of Erastianism as existent in Great Britain—the organic church as a legal person subject to the state. The possibility of a voluntary system for church support, of a secular corporation

recognized by the law and administering such church concerns as are temporal, of spiritual affairs controlled only by spiritual authority, of harmonious relations between spiritual full-powers under a corporate entity created by them, and a state omnipotent and sovereign in secular affairs—this has not even yet entered the general European mind as a workable concept or a thing to be desired.

Moreover, the limitation of secular authority in secular affairs by national sovereignty expressed in constitutions and bills of rights was not thoroughly understood. It is customary to say that the English Parliament is omnipotent and irresponsible within the sphere of law.[1] As far as these words have any meaning, they mean that English conservatism, as expressed in legal habit and a strong social hierarchy, prevents encroachment on individuality and guarantees personal independence. The national habit of France being exactly the obverse of this, the secular authority, irresponsible and omnipotent exactly as Rousseau considered it to be, might and would encroach on the rights of persons, whether natural or artificial. Excellent as the Declaration of the Rights of Man has been shown in the main to be, the language was hardly penned before its cardinal principle as to property was whistled down the wind, and the next step in its violation was still easier, in that although it imposed an intolerable burden on the consciences of most Frenchmen for no valid reason whatsoever, it seemed abundantly justified by historical precedent. There was a marked resemblance in many important respects between Selden and Camus, between the Long Parliament and the National Assembly.

Finally, it must be remembered that the men of 1789

[1] Bryce, American Commonwealth, I. 20.

were legislating for Roman Catholics. England and English America were alike Protestant throughout, and in the main Protestant "root and branch," as the phrase then ran. It is true that there was a France which was not Roman "root and branch"—a Gallican, Jansenist, Protestant, radical France, the France which had created a body of French thought and literature so important that if it were deducted from the total, what is left would be only a maimed trunk, a mere torso. But behind and associated with this was a people—Roman, faithful, dependent—so swathed with Ultramontane tradition that it could not loose its bands without danger to its entire religious, moral, intellectual, and social structure. It was natural that cautious legislators should seek a course of reform possible for timid minds, as they believed, and not likely to result in revolution.

Acute critics have long since remarked that in the threefold watchword of the Revolution—Liberty, Equality, Fraternity—there is no mention of independence. This perfectly illustrates our contention; Rousseau's idea of a sovereignty constituted by the people was that while the power came from below, once created it should be as absolute as was ever that of the monarch. Accordingly, the men of 1789 made no effort to rid themselves of the old ideas; in religious questions they had no clear conception of what a free church in a free state could mean, much less of how to organize it.

The work of the Ecclesiastical Committee was the joint achievement of the philosophers and the Jansenists. Neither one nor the other had any higher ideal than that of toleration, and without much effort to reach even that low mark they fell into the mortal error of the old regime—a confusion of ecclesiastical power

with secular, except that the latter was now to be the despotic master, not one of the parties to an agreement deliberately framed by both. The state was to pay the wages, and was determined to lay down the conditions of service. But what the committee did not see was this: these conditions were questions of conscience, matters purely spiritual. For a representative body, irregularly chosen, as the Ultramontanes contended, to assume, as it had done, all the political sovereignty of a Constitutional convention or constituent assembly had been a strain on all French royalists, and on most of the civilized monarchical world as well; that such an assembly should erect itself into an ecclesiastical council to determine rules of faith and conduct roused the faithful everywhere to anxious foreboding, and made Catholic Christendom at large uneasy. Was political emancipation to terminate in renovated religious despotism?

The high clericals throughout the nation were quick to take alarm, and asserted their readiness to maintain Roman Catholic ascendancy even to the shedding of their blood. The laity, too, especially in the south, where Protestantism was lifting up its head and girding for the struggle, began a series of demonstrations which resulted in bloody riots. The infection of disorder spread, civil war grew imminent, the Assembly took alarm. Whether or not the Ecclesiastical Committee itself understood the true purport of the plan they presented in May, 1790, and which was rapidly enacted into a statute under the style "Civil Constitution of the Clergy," must ever remain a question for academic debate. What is unquestioned is the fact that in its entirety it represented the ecclesiastical and political theory most abhorrent to Jesuitry and Ultramontanism as hitherto accepted by the majority of

French Roman Catholics. Of course the Jansenism in it was not openly avowed; Camus, the chief author of the plan, concealed both himself and his dogma. The appeal he made in sanction of his proposition was to primitive and apostolic conditions; the idea was ostensibly to secure regeneration; the civil power posed as regulating nothing but external details. Considering the stern uprightness of Camus and the character of both the committee and the Assembly, it is impossible to accuse them of insincerity in these professions; as a matter of fact, the idea of a return to primitive ecclesiastical conditions was just as sophistical as that of a return to nature put forth by the philosophers.

This can easily be seen. The central concept and very taproot of Roman Catholicism had been the spiritual authority of the Pope; the Civil Constitution denied him all power of instituting prelates; thus depriving him of every shred of spiritual jurisdiction or mission, recognizing him merely as an abstract expression of Christian unity. To the overwhelming majority of the episcopate, minor clergy, and laity this could and did mean nothing less than the violation of conscience. The plea of the ecclesiastics was "ultra vires": the Assembly was not a national Gallican synod or council, and, even if it were, its decrees must receive the sanction of the Sovereign Pontiff in order to be valid. Herein lay the crucial point of contention. Admitting the presence of clerics among its members, the Constituent Assembly was nevertheless a political body, and as such could not impose laws upon the church as an inferior. By the loss of its domains the church was no longer the first estate in the realm, or in fact an order at all in any recognized sense of the word. Yet it still retained its place as the religious organization of the vast majority of Frenchmen, preserving its historic

continuity and traditions. As such it was a power concurrent in spiritual things with the power of the Assembly in secular affairs. The power of the church was from Christ himself; the state must protect it, but might never govern it.

The plea of Camus and the committee was equally vigorous. The people, having resumed their political and civil rights, had determined likewise to resume their ecclesiastical rights, foremost among which was the choice of their spiritual guides; and these, once chosen and ordained, should have no territorial limitation in the exercise of their ministry. Accordingly, the National Assembly, possessing the unquestioned right to choose a national religion, and having determined to preserve Roman Catholicism, arrogated nothing spiritual in the redistribution of episcopates, which for convenience were to correspond to the departments. This abolished fifty bishoprics. As to the vital matter of institution, the Pope unquestionably was primate, and as such could counsel all the clergy, but could not assert or exercise jurisdiction; though they might ask advice of him, he could neither offer nor force it upon them; he was in no sense the dispenser of ecclesiastical mission.

The proposed selection of priests and bishops by popular election was not strongly opposed; the idea of inducting pastors thus chosen by the senior French bishop or metropolitan was stigmatized by the clerics as nothing short of schism. And schismatic it ultimately proved to be; for the moment the members from the clergy threatened, and in the main fulfilled their threat, of taking no further share in the proceedings. During the rest of the discussion there was therefore little opposition; parish priests were allowed to appoint their own curates without the approbation of the bishop, and

modest stipends, payable in money from national funds, were fixed for each rank of the hierarchy. The Assembly secretly congratulated itself that a national church was thus constituted, and that the supremacy of the higher over the lower clergy was so minimized as to render the whole a homogeneous class.

The Civil Constitution as finally adopted was divided into four heads. The first abolished the whole pre-existing establishment of archbishoprics, bishoprics, prebendaries, canonries, abbeys, priories, substituting ten metropolitan districts or archbishoprics and eighty-three bishoprics, according to the political arrondissements and departments, respectively. In each of the latter was to be a theological seminary. The director of each seminary, together with the vicars, who were chosen by the bishop from among the curés of the parishes, likewise greatly reduced in number, formed a council for the diocese, without the assent of which the bishop could not exercise any jurisdiction whatsoever. The fifth article under the first head forbids every church or parish of France [1] and every French citizen "to acknowledge in any case and under any pretext whatsoever the authority of bishops or metropolitans whose see shall be established under the rule of a foreign power, or that of its delegates residing in France or elsewhere."

Under the second head provision was made for the appointment and institution of the ministry. The electors of the departmental assembly nominated the candidates for bishop; those of the district assembly made the nominations for parish priests. The choice was "by ballot and absolute plurality of votes," those of freethinkers, Jews, and Protestants included; the attendance of all the electors upon mass was imper-

[1] Subsequently enlarged to include the French empire.

ative, at least of those who exercised their right of voting. The metropolitan could examine and induct a newly elected bishop; a bishop, the newly elected curés; rejected candidates could appeal to the secular courts under the form "because of abuse." This, of course, went to the root of the entire question, destroying the whole system of canonical institution. Under the third head was fixed the stipend of each clerical rank. These stipends, as we have said, were modest. The Paris metropolitan was to receive fifty thousand francs; other bishops from twenty to twelve thousand, according to their importance. This was an enormous diminution of episcopal revenues and prestige. Finally, according to the fourth head, all the official clergy were to remain in residence, and were subject to municipal authority like other officials. They were to swear that they would maintain the constitution.[1]

It may at once be conceded that the reforms thus contemplated were in theory purely external, and that there was no effort whatever to determine the origin or nature of spiritual creeds. But the fatal mistake of guaranteeing the support of Christian worship from national funds having once been made, the sequence was a distinct abuse of secular power. The plan rendered the connection of the Pope with the church purely mystical, and turned the clergy into state officials. It matters not that the former ecclesiastical disorders due to scandalous favoritism were rendered impossible; the way was opened for new ones. When the church becomes a secular institution its ministers tend to be time-servers and sycophants. Nor was the vaunted return to primitive conditions in the election of apostles and pastors in any degree satisfactory; the

[1] The text of the Civil Constitution as printed in the Appendix is taken from the minutes as given in Robinet, I. 331.

electors, being identical with those who voted for secular officers, and the elections being held at the same time, on Sunday after mass, the door for base intrigue was opened wide. It is, however, unjust and contrary to sound procedure to criticise the Civil Constitution from the standpoint of present-day knowledge. The men who framed it were well intentioned and acted in good faith. They were driven to extremes by perverse opponents, both clerical and radical, whose desire was to substitute anarchy for reform, bide their time, and fish from the troubled waters of chaos what they really desired. The radicals had their turn, and then the clericals; the former failed utterly, the latter had a measure of chastened and apparently permanent success.

The work of the legislature was completed on July twelfth, 1790; the king withheld his assent until August twenty-fourth. For this he had the best reasons; the proposition being repugnant to his whole nature, and his interests as well, he vacillated and temporized with himself in this as in all other crucial matters, virtually referring his decision to Pius VI.[1] And the Pope himself was scarcely less distracted; as early as March twenty-ninth he had explained to the secret consistory the desperate situation of France, reserving his decision, because as yet he could appeal to neither bishops, clergy, king, nor nation.[2] Even in the crisis of July tenth he had advised the king to consult the archbishops of Vienne (Pompignan) and of Bordeaux (Champion de Circé), both high officials of undoubted fidelity and learning, and to abide by their decision. To both of them the Pontiff simultaneously addressed

[1] Theiner, Documents Inédits relatifs aux Affaires Religieuses de la France, 1790 à 1800, I. 264. Louis XVI. à Notre Saint Père le Pape, 28 Juillet, 1790.

[2] *Ibid.*, p. 1.

identical letters, begging them to prevent the king from assenting to the Civil Constitution of the Clergy.[1] Both the prelates paltered and concealed from all concerned the facts not only of the Pope's attitude, but of the communications they had received. Thereupon Louis made a final appeal to Rome; Pius VI. refused a direct reply, and referred the matter to a committee of cardinals.[2] Driven to the wall, and hoping for some ulterior accommodation, Louis yielded to the clamor of the Assembly and the advice of his friends, who feared an insurrection, giving his formal consent on August twenty-fourth.[3] He thus alienated not only all the enthusiasm and loyalty of the church, but likewise that of Jansenists, Protestants, and philosophers, for his delay signified his dislike of the measure.

For two months the Catholic party contented itself with agitation among the parishes; the Assembly therefore proceeded with its work of legislating for the administration of the Civil Constitution without serious interruption. As yet the clericals firmly believed that with the aid of the Pope they could assert their power by overwhelming numbers, overthrow the Civil Constitution, and restore peace to the distracted country. On October thirtieth the Archbishop of Embrun addressed the Cardinal de Bernis, French ambassador to the Vatican, plainly stating this as a fact; and possibly he was right.[4] But the oracle of St. Peter's chair was dumb.

Far otherwise his radical opponents. It is a sorry spectacle when infidelity presides at the debates of em-

[1] Theiner, Documents Inédits relatifs aux Affaires Religieuses de la France, 1790 à 1800, I. 7.

[2] *Ibid.*, p. 16.

[3] Pius VI. was at this time recommending to the faithful the wisdom of the serpent; for an example, see Theiner, Documents Inédits, I. 14.

[4] *Ibid.*, p. 297.

bittered Christians. This had in a certain sense been true from the opening discussion of the Civil Constitution, for it was at the very outset that the coming dictator of the Revolution made his début. Maximilien Robespierre, deputy from Arras, was not merely saturated with the doctrines of Rousseau, he was imbued with religiosity and was a fanatic. "He will go far," said Mirabeau; "he believes what he says." Like his master, he saw with piercing vision that a sovereignty constituted by popular will could never be supreme over conscience, especially the Christian conscience. Rousseau bestowed on the state the right of imposing a civil religion upon its citizens, under pain of banishment or death; Robespierre declared from the tribune that priests are magistrates, neither more nor less; that society has the right, on grounds of public utility, to suppress whatever is superfluous in them or in their numbers, especially in so far as their power depends on foreign investiture; that they must depend solely on popular suffrage; he even insinuated that to attach them to the state they should be forced to marry.

This was the temper which began the war. The Bastille was gone, but every Parisian saw daily as he walked the street another symbol of the old "infamy" more striking even than had been the frowning fortress—to wit, the mediæval garb of the priests and nuns. It was not difficult to direct attention to the fact; during the debates the archiepiscopal palace was mobbed, the widely circulated radical journals heaped abuse on the clergy, and by September it was a common thing to rabble priests on the streets. Such was the violence of temper and conduct among the populace that timid souls could no longer face it, and the emigration of the higher clergy assumed ominous dimensions. But if the civil war and schism were primarily insti-

gated in fact by the radicals, the clericals did their utmost by word and deed to fortify the spirits of the faithful against all reform. As early as July first the Archbishop of Toulon stigmatized the movement as not directed toward regeneration, but toward anarchy. Steadily and regularly this idea was inculcated among the Catholics by their trusted leaders to the very end.

Of course as time went on the language of the clericals grew more violent and bitter. The Assembly was called the scourge selected by God to chastise national sin because it had been the instrument of sin. In September, Boissy d'Anglas denounced his colleague, the Bishop of Vienne, for disloyalty to the body in which the prelate continued to sit, and thenceforward it was a daily occurrence that the municipal authorities publicly denounced the ecclesiastics in all quarters of France for the violence of their treasonable utterances against the Assembly. The Bishop of Tréguier was actually arraigned for high treason. In Nimes and Montauban the news of Dom Gerle's motion being rejected initiated civil war between Catholics and Protestants. It was the former who originated the conflict and stigmatized the election of Rabaud to the presidency of the Assembly as a crime. Order was partially restored, but revolution seethed under the surface.

For more than a century the forces of the Roman Catholic Church in France had been distinctly centrifugal as regards the papacy. Le Vayer de Boutigny, author of the standard treatise on the authority of kings under the ancient monarchy, had expressly stated that in the matters necessary to salvation the church was supreme, in all others the state; and since obedience to the laws of the state is expressly enjoined by God, they too are essential to salvation. The church therefore is the support of the state; in what is above

the essentials of salvation the church may counsel perfection, but not enforce the steps thereto.

The logical consequences of this position had always been drawn by French prelates. But now, believing that the foundations of all order were crumbling, they suddenly discovered the value of ecclesiastical law and tradition. Asserting their love and fidelity to the Holy See, they sent more than two hundred pastorals far and near, exposing the breach in ecclesiastical continuity made by the Civil Constitution. To suppress more than fifty-one episcopal chairs and change the boundaries of the other dioceses was a usurpation of spiritual authority by the secular arm; to make Jews and Protestants electors in the choice of bishops and priests was contrary to the primitive usage cited by the canonists and contrary to the Concordat, a treaty not to be modified without the assent of both the high contracting parties; nor was the form of institution consonant with primitive usage under which the metropolitan received his power from provincial councils. Why not call a national council and negotiate with the Pope, who for two centuries had exercised the right of institution? Finally, to make the Pope a mere adviser was to render the Gallican Church national, a thing contradictory in itself and schismatic in its effects.

The bishop-deputies to the Assembly set forth, on October thirtieth, a plain and moderate statement of this, their position, and transmitted it to the Pope, who delayed five long months before making a reply. This was inexcusable, and remains inexplicable. The interval was disastrous. As their pastorals passed through the land they were not merely read, they served as a text for unbridled license of speech, not only in the places already mentioned, but in Senez, Auch, Nantes, Lyons, and scores of other towns scarcely less impor-

tant. Rioting broke out at Strasburg, in the Pas de Calais, and at Uzès. Resistance to the execution of the laws, whether concerning the sale of ecclesiastical estates or the administration of the Civil Constitution, was made in about forty different cities, and in some of them with temporary success, under the leadership of great ecclesiastical dignitaries. There was every variety of form and degree; the prelates, unaccustomed to self-determination or independent action, behaved each according to his temper, and appeared for the most part to act not on principle, but from motives of selfishness, as if they were loath to part with place, station, and wealth.

This at least was the interpretation put upon the facts when presented to the Assembly by its committee on November twenty-sixth. Enumerating upward of a hundred and fifty bishops, chapters, canons, priests, and curates who, in as many different places, denied the authority of the Assembly and appealed to the Pope, the chairman of the united commission, a deputy named Voidel, proposed that all priests, without exception, should take what he called a constitutional oath to obey the laws, the constitution, including the ecclesiastical provisions, and the king, under penalty of deposition and loss of salary and citizenship.[1] This was tyranny pure and simple; those who accepted pay from the government, especially when tempted to insurrection by the example of colleagues high in place, might well be expected to swear allegiance in general; but to compel an oath to an abhorrent ecclesiastical constitution, including matters of conscience, was persecution. As the Bishop of Clermont tersely put it, the church was resigned to the loss of her property; she would never surrender her liberty.

[1] Archives Parlementaires, XXIV. 52.

The debate was long and bitter. Mirabeau, replying to the bishops' statement of October thirtieth, made what was possibly the most eloquent and certainly the most illogical of all his famous orations. Maury's retort was biting: we are asked to act in a single rôle the parts of judge, pontiff, and legislator; such things are done only at the serail in Constantinople. Therewith he began an impassioned review of the entire legislative procedure regarding the Roman Church, and sought to reopen the whole question. But Camus was too shrewd and quick to permit such a parliamentary stroke; interposing his austere presence and interrupting with severe, incisive speech, he swept the Assembly with him, while at the close he cited with dramatic fire Augustine's declaration that for the sake of peace he would resign all his ecclesiastical offices. The debater then urged the example on his opponents. Voidel's proposition was carried by an overwhelming majority.

IX

THE CLIMAX OF JESUITRY

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THIS appears to be the conjuncture of events at which reform verged to revolution. The king had been untouched by the philosophy of his century, he was a sincere and humble believer; without opinions of his own, he leaned, like the faithful Roman Catholic he professed to be, on his spiritual advisers for guidance. Without exception, and during the time of uncertainty as to the Pope's attitude, those advisers kept telling him that assent to the Civil Constitution would mean the perdition of his soul.

Yet he saw clearly that a refusal to comply with the fierce demands of Assembly and people could mean nothing short of insurrection and, in the light of daily experience, the speedy overthrow of the monarchy. His young queen not unnaturally wished to remain in her high station; he himself felt the burden of his ancestry and what he owed to his name; possibly he already knew, what is finally clear to the world, that the Pope's hesitancy was due to the attitude of the French episcopate, and so hoped against hope that procrastination might result in toleration for the Civil Constitution of the Clergy. With the ablest canonists divided among themselves, a distracted monarch might thus easily deceive himself and reduce to practice the precepts of that Jesuitical casuistry in which

he was trained. The force of circumstances, he felt, was too strong for his conscience. He was surrounded by aristocratic prelates, concerned more for their benefices than for the cure of souls; with and for their class invincibly fixed on the point of opposition to reform, they did not warn, but rather abetted him. The chimera of a national church might otherwise have had some substance: had the king possessed any force of character, revolution would either have come sooner or else have been averted entirely.

But behaving and feeling as Louis XVI. did, the utter separation of church and state, the complete desertion of throne and altar by moderates and radicals was consummated quickly enough. By the menacing words and threats of force within and without the assembly hall, the king had felt compelled to act. He must either refuse or grant his sanction to the Civil Constitution. We feel somehow, as if even then, when giving his formal assent, he might have displayed a hesitating gravity, like that which he showed when he took the civic oath at the festival of federation. But having determined on the role of obliquity, he overacted his part. He signed the constitution, and he did it with a Machiavellian appearance of sincerity that is disgusting.[1] Twice, as if to salve the royal conscience, efforts were made on the floor of the Assembly to show that in the Civil Constitution there was no intention to attack conscience, dogma, or spiritual authority. The plea, which was intended really to justify the decree compelling all priests to take the oath, was in the main Grégoire's. But there were rioters without, and the galleries of the hall groaned under the weight of meddling spectators. The fatal decree which made the oath indispensable was enacted on November twenty-seventh,

[1] Durand-Maillane, Histoire Apologétique, p. 186.

1790. Perhaps it might have been lawful to exact from the clergy, as from others, a general oath to the king and the political constitution, especially as the prelacy far and near were now inciting and leading insurrection; but to exact a definite oath to a definite measure which violated the consciences of men who were not state servants was, we repeat, primarily and necessarily a piece of shocking tyranny. The king's assent to the decree was obtained by the same menacing violence as that by which he had been forced to sanction the Constitution of the Clergy, and Louis again displayed the same unpardonable semblance of humility and complaisance.[1] His purpose was already fixed. Incited thereto by D'Agoult, Bishop of Pamiers, he was planning flight, and on December third he addressed Frederick William of Prussia, imploring aid against the French. Although the Assembly could not know this, they had an instinct of treachery, and even Camus talked of using force to subdue prelatical recalcitrancy.

Suddenly the bolt fell. On December twenty-seventh the walls of Paris were placarded with a forged poster, purporting to emanate from the municipality, which declared that the oath should be obligatory on all priests, without exception, whether functionaries or not, and that such as refused should be regarded as disturbers of the peace. Explanations and excuses were offered by both Mirabeau and Bailly, the mayor, but in vain; the placard represented public opinion. Malouet asked, in vain too, for an inquisition to discover the offenders, and in vain was an effort made to commit the Assembly to Mirabeau's explanation that only those taking office should be required to swear.

Barnave then carried the house in a demand that all

[1] For the text of his letter, see Robinet, Mouvement Religieux, I. 371.

the ecclesiastics of the Assembly should be summoned to the bar and sworn. This was on January fourth. The ceremony began at once. An angry roar of excited voices could be heard without. They swelled into one fierce shout: "The oath! the oath!" Not a priest was to escape, whether functionary or not. This closed the door to all accommodation, and then occurred the famous scene, second only in its grandeur to that of the Tennis Court, when, one after another, two thirds of the prelates and priests refused the oath with solemn mien, and thereby with impressive dignity surrendered their places. Of the hundred clerical deputies who had subscribed to the Civil Constitution, twenty retracted two days later, and others followed at intervals. Only two of the bishop-deputies, Talleyrand and Gobel, accepted the constitution. Four other bishops not deputies, one of them a cardinal, joined in the oath: Loménie de Brienne, Jorente of Orléans, and Lafonte de Savines of Viviers, with Du Bourg-Miroudot. Gobel and Du Bourg-Miroudot were not true bishops, but merely titular—what are known by a fiction of the Roman Church as bishops *in partibus*.[1]

The hundred and twenty-five nonjuring deputies of the clergy found themselves at the head of a great majority among the laity, and such was the moral effect of so powerful a resistance that the Assembly was forced to adopt harsh and stringent measures. "We have seized their property," cried Mirabeau, "but they have preserved their honor." Now "honor" was still a proud word in France. It was a tremendous help to the radicals that incumbents for the eighty vacant bishoprics had to be found among the parish priests, and Mirabeau composed what was intended to be a conciliatory paper, an address to the people, to be printed

[1] De Pressensé, The Church and the French Revolution, p. 165.

and published throughout France, explaining that change in diocesan boundaries was a secular matter, and appealing for the thousand and first time to primitive Christianity as a sanction for the election of pastors by popular suffrage. But his main reliance was continuous and intemperate abuse of the clergy, which, though having a shadow of reason, so offended even the Jansenists and Protestants that the paper was sent to a committee for modification. In its final form the appeal reiterated the two fundamental propositions and defended the oath as nothing but a solemn promise of officials to obey the law. Severe and indefinite penalties were to be inflicted on those who undertook to perform clerical functions without swearing. This was ordered to be read as a pastoral in all the churches on January twenty-sixth. It was further decreed that, contrary to either the primitive or later practice of Rome, the newly chosen bishops might be inducted into their sees by any of the sworn bishops without further institution.

The initial steps by which the Constitutional, national church was organized were destitute of all moral grandeur. Already the Bishop of Autun was well known as a man without piety; Gobel was a notorious time-server; both were virtual neophytes in apostasy. Yet it was Talleyrand, assisted by Gobel and Miroudot, who consecrated the first Constitutional bishop, the Abbé Expilly, and installed him in his "department of the Aisne"; Gobel, alone and unassisted, consecrated more than half of the total number of new bishops—no fewer than forty-eight. Under the latest decree these in turn consecrated the remainder. The municipalities and Jacobin clubs in the various district capitals received their official coadjutors with dignity and respect. But it was far otherwise with the religious

houses; in most cases the various monastic orders closed their doors in the faces of the constitutional bishops, and in many parts of France their authority was established and maintained by military force. During the life of the Constituent Assembly the non-juring ecclesiastics of the provinces were unmolested; they even received a slender allowance of money and were permitted to say mass in some of the churches of the departments. Later their case was far different.

Thus by a process legally regular but morally imperfect was formed a complete, though halting and lame state establishment. The effect was deplorable. In Paris, where for centuries the Gallican Church had assembled all that was most learned and brilliant and devoted among its clergy, high and low, almost two-thirds—four hundred and thirty from six hundred and seventy—of the officiating ecclesiastics, and they the most distinguished, refused the oath. The Paris populace was so infuriated that, with cries of "The oath or the gallows!" they mobbed the Church of St. Sulpice, where the rector was especially outspoken in his obduracy. Of the fifty-two rectors of Paris twenty-three subscribed. Such resistance might have been expected in the metropolis; but while our knowledge of the provinces is defective, the records having either not been kept at all or destroyed later, yet it is reasonably certain that in the country as a whole the proportion of recusants was not much lower than in Paris. That a number relatively so large actually took the oath was due in part to the silence of the Vatican, but in the main to the falseheartedness with which the king had sanctioned the Civil Constitution, an act which, in view of the now well-known facts, that his court was already plotting with foreign potentates, that his personal chaplains had refused the oath, that he himself never at-

tended a "Constitutional" service, finally, that he was already contemplating flight to escape further identification with the general movement, cannot be too severely reprobated as Jesuitry.[1]

It is claimed by the polemics both of the Roman Catholics and of the radicals that there was already no freedom of action or debate; the casuistry of one side lending itself to false representations, the violence of the other intimidating anxious souls. Both are right. Jansenism revenged itself on Ultramontanism, and in so doing committed itself and the Assembly in particular to a false position. Romanism temporized in part and in part accepted the rôle of martyrdom, the radicals enforced their false doctrine, encouraged violence, and flourished in the dissensions of ecclesiasticism, and these culminated in a schism that withdrew from the cause of reform many, if not the majority, of those who alone could have guided its steps on a different path.

The formal institution of the Constitutional clergy having been attended with comparatively little difficulty, the fate of the national church depended largely on the attitude of the Pope, but in the main and finally on the character of the new incumbents. Some of these were unexceptionable. Grégoire of Blois was spotless in character, wise in administration, and successful in his pastoral work, for he acted from sincere conviction. Claude Le Coz, at Rennes, displayed both faith and heroism, protecting the nonjuring clergy against the most violent assaults. But the new positions in the provinces were too often filled by unworthy self-seekers who seriously misbehaved themselves in many instances, and at the best failed in most places to win the confidence of their peoples. Several of the new

[1] Mémoires de Bouillé, 1re ed., II. 42.

bishops, by a display of unfortunate secular temper, accepted offices which seemed to the observant masses utterly incompatible with their spiritual station. Marolles at Laon, Fauchet in Calvados, and Villar at Laval, were chosen and served as presidents of the respective Jacobin clubs in those districts. There was no social heresy which Fauchet did not proclaim from his pulpit; and Gobel, the Paris metropolitan, was an arch demagogue, too ignorant to lead in anarchistic movements and disposed at every crisis to jump with the cat. Simultaneously with the process of investing the Constitutionals, great numbers of the parish clergy in the country, who had at first taken the oath and still held their cures, began under various influences to retract. Violent antagonisms were speedily aroused, expressed at first in warnings, taunts, and gibes. But actual violence soon broke forth, and the nonjuror Catholics who worshipped in conventicles or under the protection of the religious houses still in existence were in many instances shamefully mobbed. Rioters burst open the doors of ten or more nunneries belonging to the Sisters of Charity in Paris, and the termagant women of the Central Market pitilessly scourged their helpless sisters through the streets; like brutalities were seen in Rochelle, Mans, and Lyons. No one was punished.

When the king and court arranged to spend Easter week in retirement at St. Cloud, it was whispered abroad that in this apparently harmless excursion the king's real object was to receive the paschal eucharist from the hands of a nonjuror priest. In consequence, the populace of the capital, suspecting, if not that, at least some other trick, forced the royal carriages back at the very gate of the Tuileries.[1] Not only was Louis now a virtual prisoner in his own house, but the authorities

[1] Archives Parlementaires, XXV. 200.

of the city burst into menaces, threatening his further liberty and violently charging him with giving his confidence to refractory priests. The Cordeliers placarded the walls with denunciations of the king himself as a refractory. It is not incomprehensible that henceforward the desertion of the throne, the effort to sustain the monarchy on foreign soil, and the abandonment of loyal hearts to their fate were parts of an irrevocable revolution. A faint heart and a superstitious faith form an ill-assorted union.

Lafayette as commander of the National Guard did what he could to protect the worship of nonjurors in authorized halls, but his efforts were vain; much less could he secure liberty of action in the same way for the king. His troops would not interpret their ambiguous instructions as compelling the protection of nonjurors, burgher or royal. Thereupon the general resigned and offered asylum to a congregation of the churchless in his own house. He resumed his command, however, under strong pressure, but only with the assurance that the king's personal liberty would not again be violated. Meantime the nonjurors had hired the church of the Theatins, but the authorities of the city, finding that the necessary poster announcing the place as one of private worship, had not been affixed to the building, forbade its use, and closed it, under stress of mob violence. This congregation Lafayette took under his protection on resuming command of the National Guard.

We have already noted the effect upon Parisians of the efforts to secure burgher privileges and a limited suffrage by Constitutional measures. The first Constitutional measure in which the political suffrage was exercised in such a way as to control the masses of France was the Civil Constitution of the Clergy. Be-

cause this was a religious control, it oppressed the consciences of the majority. The consequence of the king's attitude in regard to it was twofold as far as the reformers were concerned. The radical thinkers began to feel that they could dispense with such a smooth and supple king, and it was neither among the peasantry nor among the artisans and laborers, but in the very heart of the burgher class that a nucleus of democracy was formed, largely under the instigation of Marat and after his appeals of June, 1790. Its leaders were men widely differing from each other in temper and endowments, but all able and ardent: Robespierre, Grégoire, Marat, Condorcet.

When on February fourth, 1790, the king so graciously accepted the new political constitution, there could be little doubt of his capacity as the leader of reform, and no question of democracy could exist, for the nation was royalist, and Louis was personally popular. The festival of the federation seemed truly national and it was purely royalist. But the attitude of the king to the Civil Constitution of the Clergy, outwardly assenting, inwardly raging, was quickly divined, and changed the temper of the moderate liberals completely. They could dispense with such a cowardly hypocrite as Louis clearly was. For some time men had used the words "Republic of France" in the sense purely of "commonwealth." But the very word "republic" led to further thought, and in December the newly published pamphlet of Robert, entitled, "Republicanism in France," was widely read and approved by many who could not yet stomach the radical democracy. A further accession to the ranks of those who distrusted the institution of monarchy because they despised the monarch came through the sufferings and famine of the winter, which led to an examina-

tion of the bases of society and produced many socialists. Moreover, from the beginning of the new regime, especially in the preliminary movement of municipal reform, the women of France had come to the front. Certain of them now became leaders in the democratic-republican movement. Between January and June, 1791, four social elements—those who were already suffering from hunger, those who detested the king for his suspected duplicity, the supporters of the commonwealth idea, and the femininists, as they were styled—all drew closer and closer together, until, few in number as they were and unpopular as were their tenets, they formed a powerful moral force. Our minister, Gouverneur Morris, noted as early as April that even in the highest circles it was already fashionable to announce yourself as republican.[1]

It must be remembered that so far all was suspicion: even the retreat to St. Cloud was suspected to be only a ruse. The king was not content to let suspicion die out, and to continue his underhand dealing behind a specious inactivity and moderate compliance such as had been consonant with his character. Had he merely continued to hunt, to eat, to drink, to play the clown, to tinker with his toy locks in his toy shop, he would have shown himself an adroit diplomat. But he behaved far otherwise. In April, some days after the Easter fiasco, he caused his diplomatic representatives throughout Europe to deny emphatically that he was unhappy, for he could have no happiness except that of his people, and this was patent to all; to assert that his authority was never so strong, since it was now founded on the law; to deny the base rumor that the king was no longer free, for it was of his own volition that he resided among the citizens of Paris, a concession he

[1] Aulard, Histoire Politique de la Révolution Française, p. 114.

owed to their patriotism, their anxieties, and their affection.[1] Not content with this, Louis presented himself before the Assembly, asserted his fidelity to the new constitution, including the regulations pertaining to the clergy, dismissed his chaplains, and attended mass in company with the queen at St. Germain l'Auxerrois, the parish church of the Tuileries. This and similar acts discouraged and infuriated the nonjurors without winning the slightest liberal support. Disaster to the church and dissolution of the nation were at hand. "Your detestable Constitution of the Clergy," said Mirabeau to Camus, "will ruin the one we are making for ourselves."

The Pope, moreover, had spoken at last, unfortunately not in a dispassionate spirit, but under the influence of a bitter grievance. Two counties of the Rhone valley, Avignon and Venaissin, had been papal states for four centuries. Like other portions of the district, they had been fired with the theory of liberty, and asserting the cardinal principle of the Revolution, demanded in the exercise of their popular sovereignty to be incorporated in France. The Assembly dreaded the diplomatic troubles sure to arise, but sympathized with the spirit of the people. In the necessity for preserving order French troops occupied the counties during January, 1791. What the inevitable result would be was known long before to both Pius and his subjects—at least as early as March, 1790, when the Avignon riots began. The end was not actually reached until September thirteenth, 1791, when the union was voted. It was therefore under a sense of impending personal wrong that Pius, who had as keen a desire for temporalities as any prince in Europe, finally broke silence. The official utterances of the papal chair are contained

[1] Archives Parlementaires, XXV. 312, 313.

in three papers: the preliminary brief, the brief "Caritas," and a letter to the king.[1]

In private correspondence the Pope had for months past steadily been urging the French clergy to resist the Civil Constitution; in the brief of March tenth the first official utterance, he did not formally arraign the Civil Constitution, but with doubtful tact he condemned every vital principle of the Revolution, including liberty of thought and action; moreover, he expressly threatened all recalcitrants among the clergy with excommunication. This paper was referred to a council of the Constitutional ecclesiastics.

In an open letter to the king Pius explicitly condemned the Civil Constitution. The assembly of the Constitutional priests replied in a strain far nobler than that of their spiritual head. Reviewing the means of conciliation they had suggested in their statement of principles, they declared their continued adherence to the principles of liberty and equality, asserted their belief in toleration as a principle of civil authority and in the necessity for a separation of the spiritual from the secular power. If schism could thereby be prevented, they were ready to resign in a body. On April thirteenth the Pope issued his rejoinder. The Civil Constitution of the Clergy he now asserted to be heresy pure and simple, and all the faithful were adjured to stand firm by the ancient doctrines. The document was publicly burned in the Rue Royale on May first by a contemptuous mob. Thus the war was declared, conciliation made impossible, and the battle was joined.

The Paris press began to breathe threatenings and slaughter. But the Constitutionals were in a serious

[1] Briefs of Pius VI., I. 126. Theiner, Documents Inédits, I. 18, 90, 94, 142.

quandary. For them there was now a choice between perverse, avowed schism and diplomatic procrastination. They deliberately selected the latter and descended to the basest practices. Protesting that since the communications professing to emanate from the Pope had not been addressed to the government they could not be genuine, they surreptitiously issued a spurious brief in which the Pope was made to sanction the Civil Constitution.[1] When this paper had been sufficiently circulated to create widespread uncertainty, they openly distributed an official circular repeating that since the pretended rescript from Rome had not received the authority of letters patent from the throne, as was customary, it could not be genuine. It would be a scandal should the successor of St. Peter openly violate a well-known law. He could never have done it.[2] The brief of April thirteenth was then denounced far and near as a fraud. Camus alone disdained such subterfuges, and admitting the paper to be genuine, fiercely assailed all its positions, proving the whole to be nugatory.[3] His logic was irrefutable, but the hour and the people were incapable of grasping it. The country resounded with denunciations and counter-denunciations. For long the Ultramontanes could produce no convincing proof. High words led to high-handed outrage.

As the storm grew more and more menacing, the important nonjurors of high rank fled across the border in ever increasing numbers, notably Cardinal Rohan of Strasburg and others only less important. Of the Constitutional substitutes in important bishoprics, many proved to be men of probity, acting according to the dictates of conscience, and a very few rose to

[1] See letter of Bishop of Marseilles, in Theiner, Documents Inédits, I. 330. The forgery was entitled Vrai Bref du Pape.

[2] Hesmivy d'Auribeau, Extraits des Mémoires, I. 207.

[3] Observations sur deux Brefs, Juillet, 1791.

the heights of marked and real ability. Of course all of these were not men of great wisdom. Grégoire of Blois, as was expected, continued the strongest, not because of learning or eloquence, but because of a character firmly rooted in conviction and courage. Gobel chose his associates among the basest elements of revolutionary radicalism, performed his duties without zeal, and was finally execrated as a weak vessel tossed by every wave of popular violence, trimming his sails so often that he failed to hold any course. He soon identified himself with actual unbelief and ended in the complete shipwreck of blasphemy and scandal. Talleyrand, rapidly preparing his apostasy from the ministry and from Christianity, was justly famous for consummate ability and versatility. Loménie de Brienne, fickle and perverse, was openly denounced by the Pope, but not for his real faults: Pius accused him of preparing toleration for Protestants and of restoring the Edict of Nantes! The persecuting temper of the papacy, thus frankly revealed, was met by a fanaticism only more dangerous because more powerful, more active, and more virulent.

Mirabeau had died on April second, a fortnight before the king's attempted retreat to St. Cloud. Already the terrors of the popular passion he had done so much to excite were before his eyes, and up to the very moment of his fatal seizure he was engaged with Malouet and others on a plan to stay the portentous storm of revolution now on the horizon. In vain. "Dormir"—to sleep, he wrote with the feebleness of exhaustion, and died. The Paris magistracy, in a moment of sanity, were simultaneously contemplating measures to secure liberty of worship for nonjuring Catholics, but they were as effectually checked by violence as he by death. The stream of persecuting frenzy fretted against all barriers. Those who sup-

ported the Constitutionals developed into a political party styling themselves "patriots," while they began to stigmatize the supporters of those who refused the oath as aristocrats.

For a moment the reaction against the shocking inhumanity shown to the Sisters of Charity enabled the Assembly calmly to discuss the whole question of how religious liberty was to be exercised. On May second, Talleyrand, chairman of the committee to which the matter had been referred, presented his report. It pleaded superbly for complete liberty, and denounced mere toleration as an unworthy and unnecessary shift. The practical solution of the difficulty, he thought, was to be found in permitting nonjuror priests to officiate in the state churches at hours other than those of regular service. The plan was actually put into operation and worked well in many parish churches and chapels, but only for a very short time. On June second an effort was made to reopen the church of the Theatins for nonjuring worship. The church was unfortunately most conspicuous on the Quai des Theatins, now the Quai Voltaire, and again the mob of Paris intervened and shut the doors. The cowardly flight of Louis to Varennes on June twenty-first broke down all restraints. Measure after measure, each more rigorous than the preceding, was put into force against the nonjurors. Constitutional ecclesiastics in many places identified themselves with the radicals, notably Gobel in Paris and Fauchet in Calvados. Camus and the Jansenists resisted every effort at conciliation or accommodation. When the National or Constituent Assembly gave way to the newly elected Legislative on September thirtieth, evasion, strife, dissension, violence, prevailed over the whole land.

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WORSHIP OLD AND NEW

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WORSHIP OLD AND NEW

THUS Jansenist, philosopher, and Protestant had inaugurated their work. It was not a good work because the materials were not good, the structure was ill adapted to its uses, and those who were to live in it refused to trust their lives to its shelter. The Jansenists under Camus had arranged to depapalize France; the philosophers under Mirabeau to decatholicize it; the Protestants under Rabaud to erastianize it; the radicals under Hébert were preparing to dechristianize it. Decatholicize and dechristianize were the words respectively of Mirabeau and Hébert. The estates of the church were secularized; its ministers were to be public functionaries; the Bishop of Rome, as Lanjuinais with exasperating iteration styled the incumbent of St. Peter's chair, was to be no longer a sovereign pontiff, but a personal expression of ecclesiastical unity as far merely as that unity existed and the parties thereto assented. The Civil Constitution embodied these ideas, and its makers, seeking with perfect good faith to inaugurate true reform, inaugurated chaos.

But the finishing touch was put to the work of destruction, the consummation of dismay and ruin was achieved, not by the Constitutionals, but by the old ecclesiastics. Once and again they had forged the bolts by which the walls of their own Jerusalem were riven; they now set the petards which burst open the breaches

and admitted the conquering foe. For their instrument of final ruin they chose no less a personage than the king. Louis had become the facile tool of Jesuitry and prelacy. With "death in his soul," but with joy in his eyes, he had signed the Civil Constitution, while simultaneously he was planning to take refuge from his own acts by escaping to Montmédy. This was in October, 1790. The scheme having failed, he continued to plot for the same end, though outwardly even more sympathetic with the movement of the hour. Turned back from St. Cloud, yet the subsequent circular of April twenty-third, 1791, to all the courts of Europe had asseverated that in all his acts he was entirely free and perfectly sincere. The Assembly was full of enthusiasm about his conduct, and to a deputation sent by it to congratulate him he declared that if they could read the bottom of his soul they would find there "feelings calculated to justify the confidence of the nation. All mutual distrust would be banished and we would all be happy." Yet simultaneously and constantly he was plotting with Bouillé and planning flight. Feigning, scheming, lying, acting, the king was stable in nothing except the grim determination not to lose his soul, and that was exactly what his confessors assured him he would do if the Civil Constitution should be accepted by the Gallican Church and work smoothly by royal aid. This was the central motive of the final effort to leave France, made on the night of June twentieth, and thwarted by the loose discipline and disobedience of Bouillé's troops. All France was confused and bewildered by the virtual abdication: face to face with innumerable and awful dangers, the nation felt itself to be deserted by its head and well-nigh lost. The consequences from a political point of view are incalculable. While conservative instinct struggled

to restore the king and surround him with proper safeguards, yet royalty in his person was discredited—nay, more, it was actually suspended for three months; democrats and republicans made a great gain, if not in numbers at least in prestige, for during ninety days their plan was actually put into successful operation.

Now, the king's motive for such base inconsistency was rendered perfectly clear in a proclamation made on leaving Paris, and generally believed to have been written by himself. If it were, it is his chef-d'œuvre of criticism and sincerity, unequalled by any other of his performances. The scathing arraignment of the constitution of 1791 which he then made is the final condemnation of that paper, and no critic since has had anything substantial to add. But, above all, the royal document makes clear that second to no other object in his flight was his determination to regain his religious liberty. With emphatic detail he recites the entire process whereby religious anarchy had been created and his own conscience violated: the dissensions of the realm amid which he had been rendered odious by his attachment to the faith of his sires; his violent arrest when starting for St. Cloud, and his imprisonment in the Tuileries; the encouragement of rioters by the National Guard; the compulsory dismissal of his chaplains, and finally the hated services at St. Germain l'Auxerrois conducted by a Constitutional priest.[1]

It must not be supposed that the conception of a free church in a free state had never presented itself to French minds. The example of the United States had wrought powerfully on public opinion for ten years past, and Lafayette, though sometimes weak and the-

[1] Choix de Rapports, Opinions et Discours, IV. 97.

atrical in trying crises and when removed from Washington's judicious mastery, had in this respect at least faithfully proclaimed what he had seen and noted. His simple solution of the whole question was complete liberty of worship, and every man to pay for that form under which he chose to do homage to his Maker.[1] The notion began to find supporters even among the Ultramontanes, and there was agitation in its behalf even among the Constitutionals. Had the monarchical constitution of 1791 been modified accordingly, France might have been spared untold miseries. It went far, and granted amnesty for all transgressions connected with the Revolution. Further, the proposition to embody in it the whole Civil Constitution was rejected. Consequently many Catholics who abhorred the latter document took the civil oath to the political constitution with gladness, and the king swore with some sincerity to maintain it. Yet it explicitly affirmed in its first article that "citizens have the right to elect or choose the ministers of their religion," which is the basic principle of the Civil Constitution of the Clergy; and it provided for the support of those thus chosen. This last is the essential and vicious principle which left the door wide open for further iniquity.

The spread of opinions making for emancipation was tremendously furthered by the continuation of disorder under the Legislative Assembly, the newly elected body of deputies which began its ill-starred career of mediocrity on October first, 1791. The record of these ecclesiastical disorders is too long and dreary

[1] Farewell Address. (Moniteur, October 11, 1791.) "Liberty could never be firmly established should intolerance under the guise of nondescript patriotism dare to harbor the idea of a prescribed and dominant cult." For the utter rejection of his plan to adopt the system of the United States, see his Mémoires, III. 62.

to be chronicled in detail. Indeed, the facts are to this day somewhat uncertain. But some things are clear—that there were outrages, and that the area of outrages extended with every day.

On one hand, the authenticity of the papal briefs was now denied by many of the nonjurors who still hoped for peace; on the other, their contents were accepted by the irreconcilable Ultramontanes, and execrated by those of the radicals who, like the ecclesiastical extremists, saw their account in a civil war. The sincere and embittered nonconformists inveighed against the oath-bound priests as defiled, and the emigrant bishops flooded the country with pastoral letters giving minute instructions to the faithful how to evade the law. The Constitutionals steadily identified themselves to a greater degree with a political party, the so-called patriots, and as far as possible made their religion a matter of state.

Tumult and scandal became rife not only in Vendée, the province whose people were the most profoundly attached to religion, as they knew it, of any in all France, but in Deux-Sèvres, at the gate of the capital, in Maine-et-Loire, Calvados, and in short everywhere. Rumors of rebellious excesses by the nonjurors reached Paris by every new courier from the departments. It seemed impossible to secure any exact information, for apparently the country population was in league with the rioters. One thing alone was certain: the fact of the riots. Bands of armed men under the banner of religion, mostly nonconformists, scoured and terrorized the country. Even women trooped together in unbridled frenzy and rabbled the Constitutional priests. Funeral and marriage processions dispersed at the mere approach of a Constitutional priest as of a thing defiled.

The general disorganization was so complete that

the all-important taxes could not be collected. Such at least were the alarming reports made both to the Constituent [1] and to the Legislative by the regular civil authorities and by special investigating committees. There seems no reason to doubt the substantial truth of them, nor likewise the generally accepted account that where they were strong enough the juror party of the patriots engaged in reprisals of much horror.[2] The nonjuring priests in many places were massacred; throughout the provinces some of the more seditious were imprisoned as law-breakers and severely handled; thousands disguised themselves and worked as day laborers. The rescript of Louis on his flight to Varennes had specified all his personal woes; the most important, as has been explained, was the restraint of his conscience in the exercise of his religion, and in this he had expressed, as was now perfectly evident, the feeling of the vast majority of the Roman churchmen of France. They could not fly, so they fought like wild animals at bay; he had tried flight, and when turned back to Paris, he paltered, trimmed, and hurried on to his fate.

In the new legislature were ten Constitutional bishops and seventeen Constitutional vicars. Not one was a man of mark. One of the bishops was the notorious Fauchet of Calvados, who, under the guise of pastoral visitations throughout that department, had so inflamed the populace by his anarchistic harangues that by order of the Assembly he had been arrested and ordered to trial. But a Jacobin mob had first rescued him and then elected him to the Legislative. Among the lay mem-

[1] Especially that of Legrand on August 4, 1791, which made a great stir. It demanded prompt and vigorous measures to repress the disorders in the north, declaring that moderation must be discarded for the sake of the public safety.

[2] See Barruel Histoire du Clergé, p. 44.

bers were a few moderate men from the defunct Constituent, sitting on the right. They were almost lost among the throngs of new men. The left was composed of brilliant but unstable Girondists, and the extreme left of a few violent Jacobins, whose adherents were growing hourly in numbers and strength through the indecision of their opponents and the support of the now organized and impatient Paris populace. This was the engine of tyranny for an unconstitutional, illegal power—what the Greeks would have called mob government, or ochlocracy. It regularly crowded the precincts of the hall, interfering with the feeble efforts at calm discussion or wise legislation by uproarious manifestations of assent or dissent. The great mass of the delegates who occupied the centre were dazed and inconstant, showing little interest in any real principle. Their mediocre powers were fully occupied in a feeble alertness as to how events would turn. The body as a whole understood its commission to be the overthrow of every hindrance to the Revolution; it developed into the servile instrument of clubs, cabals, and violent agitators.

Whatever the faults of the Constituent had been, at least it contained men whose eloquent pleading commanded the attention of the nation, and it never in all its thirteen hundred and nine enactments attacked personal liberty or conscience, as the members understood the words. The record of its debates clearly shows that nonjuring was never held to be a crime against the state. The Legislative had some members distinguished by piety, wisdom, and moderation; it had many Girondists of insight, brilliancy, and courage; but its better element could not assert itself, its shrewdness was not translated into action, and the dull homogeneity of its vast majority had no motive

power except blind zeal. A persecuting spirit, though embryonic, existed among the extreme men of both left and right, and for its development it found a perfect nidus in such a body.

When the legislature began its sessions many of what were now called refractory priests continued to minister in their respective parishes. The committees appointed to investigate the ecclesiastical troubles of the various departments brought in reports which were temperate and fair. They admitted that all the trouble came from the imposition of the clerical oath as provided in the constitution, and from the complete confidence which the simple folk reposed in their pastors. The latter were now alienated from the Revolution, and while some of them were content to let politics severely alone, yet others were beyond peradventure conspiring to discredit the government by a senseless resistance to all the ecclesiastical measures of the Assembly. The sometime Bishop of Luçon appealed to his faithful clergy to regard the decree of May seventh as a trap to lead unwary orthodox into coöperation with heretical schismatics; if ministering in the parish church, the dissident priest was to fly on the appearance of a Constitutional, and taking refuge in any barn, shed, or other shelter, was to celebrate the mass, even with vessels of pewter and chasubles of calico. They were, however, to assert themselves as the sole legitimate incumbents, and keep in secret careful minutes of all cases of intrusion. The Constitutionals, it was asserted, could perform no valid act: marriage, sepulture, or baptism. Any one refusing to acknowledge this and associating himself in any form with the schismatics was guilty of mortal sin.[1] This was a typical instance and

[1] See the report of Gallois and Gensonnée, Moniteur, November 12, 1791. The report of Veirieu, given in the Ar-

displayed the universal tenor of the instructions given by the irreconcilable propaganda throughout France.

At that time the old parish priests, as was said, still formed a great majority of the country clergy. The simple reason was that as yet but few Constitutionals had been installed. Where they had been inducted and had been honestly striving to perform their functions, probably not one in fifty of their parishioners could be induced even to attend church; the peasantry in flocks followed their old pastors to the Ultramontane conventicles. Almost without exception, the refractory priests abstained from their legal privilege of using the church edifices at irregular hours, and the reason they gave was fear of pollution. This led to the almost universal use of the term aristocrat as an opprobrious epithet for them and their followers. The civil authorities were in most places only too ready to banish the nonjuring priests; but they shrank from using force, for that would be the signal for civil war.

These were briefly the facts as laid before the Legislative. Putting aside all secular business, it began its sessions by stirring debates on religious affairs. On one side it was argued that such conditions involved the safety of the state; since the courts were in the main inimical to the Civil Constitution, legal remedies were vain; it would be well, therefore, to force the nonjurors into the capital cities of the departments, where they could be under surveillance. Further ecclesiastical legislation, it was clear, must be the first concern of the Legislative. The nonconformist clergy must be deprived of all their stipends, unless they could prove that

chives Parlementaires, XXXV. 42, recites the use of their religious assemblies by the refractories to foment sedition. It was proposed to lay upon those found guilty of this offence a penalty amounting to double the sum total of their real and personal taxes.

they had taken the civil oath. "Their religion," said one orator, "consists in counter-revolution. Their God is not your God; their God is beyond the Rhine."

This idea caught at least a large minority of the Legislative, and Fauchet received close attention when he denounced the nonjurors as a traitorous, bloodthirsty pack, concocting underhand schemes, furthering the emigration of prelates and aristocrats, and secretly remitting French treasure across the borders to be spent in efforts to overthrow the existing government and undo the Revolution. He proposed that money support in every form be withdrawn from all ecclesiastics who would not take the oath, except from the aged and infirm; the nonjurors might worship in their own hired halls, but not in the churches; and if they disturbed the public worship in any way they might be imprisoned.

But at first the majority of the Legislative were for moderation. In the main they were still royalists, and they could not imagine a monarchical state without a state religion. It was with contentment that they heard the counter-pleas for broad tolerance and for further efforts to smooth the way. Peaceable citizens respecting the law, it was said, must under the most elementary principles of the constitution be let alone, and could not be deported from their domiciles without violence to the whole character of the Revolution. It was Torné, Constitutional bishop of the Cher, who asseverated that refusal of the oath was not a criminal act. As long as these implacable and unsociable refractories merely held aloof they were well within their rights. Sedition, of course, was another matter; and they, like all citizens, must take the consequences under the law. Let them worship at their own cost, not merely in their own buildings, but in the churches at such hours as

the local directories might determine. Authority could not control religious differences, but the Legislative might set forth some such plan as reconciling perfect religious liberty with the public order.

Alas! the nonjuring clergy were truly refractory. At Caen some hundreds of female furies stoned the Constitutional priest, drove him to the sanctuary of his altar, and were there proceeding to hang him to the sanctuary lamp when, bruised, cut, and almost senseless, he was rescued by the National Guard. In the department of Maine-et-Loire, under the instigation of the nonjuring priests, armed bands numbering some thousands scoured the land, assassinated the Constitutional priests in their own churches, and hewed down the doors of those which had been closed. In the prevailing hot and growing lust for destruction even secular buildings were destroyed.

In the midst of these excesses, while messenger after messenger was bringing news of outrage to the door of the Legislative, Gensonnée, a moderate Girondist, finally proposed a complete separation of religion and government, and urged a virtual repeal of the Civil Constitution. It is likely that the consternation of those who had framed it was great; their fine-spun theories, like all others not grounded in experience, were now utterly discredited. Ere long there arose a clamor, even among the Constitutionals themselves, for the right of every communion to regulate its own internal affairs without government help or interference. "Why," exclaimed De Moy, Constitutional vicar of the church of St. Laurent in Paris—"why make the religion of Rome Constitutional at all? Let the nation cease to nominate the Roman ministers, and treat Catholics as it does Jews and Protestants, who call each their own rabbis and pastors. The Roman Catholics should do likewise."

Somewhat later he expressed these views in a powerful pamphlet, and denounced the Civil Constitution as the feet of clay to the image of gold.[1]

Meantime, without the walls of the Assembly discontent with all ecclesiasticism, of whatever form, was rapidly growing. Perfidiously, but successfully, the sceptical element far and near confused the public mind until tens of thousands could not distinguish between ecclesiasticism and Christianity. For both a substitute was in preparation.

Rousseau's doctrine of national boundaries as determined by nature, and of the regeneration of man by a return to nature, corresponded in a high degree to the inarticulate longings which characterized western Europe throughout the whole decline of feudalism. The one all-sufficient answer, under the monarchies, for any deed of violence always was: reasons of state. This direful phrase descended to the Rousseau democrats in undiminished vigor. The fanatical idealists were quite as ready for political and civil violence as for religious persecution. The passion for unity and homogeneity in territory and institutions was of the very essence of revolutionary hearts; spiteful against the old "infamy," and clearly apprehending Pius's meaning when he identified himself and Roman Catholicism in France with the monarchy, the radicals passed easily to the concept of fatherland—one not only in territory and institutions, but in a national religion. They had identical views with those who justified the revocation of the Edict of Nantes as a measure, not against the heretics, but against rebels; magnifying in a high degree the religious sentiment as indispensable in life, they asserted that for a perfect nation there must

[1] Bibliothèque Historique de la Révolution, Vol. CXLII., quoted in Jervis, p. 192.

be a national religion, Christian possibly, certainly not Roman; in the last resort broad enough, even though pagan, to include all Frenchmen; the majority having chosen it, all recusants would be traitors. For the agitation and support of this doctrine there was at hand an institution as old as France itself—that of the public festivals, primevally sprung from the cult of natural or pagan religions, but incorporated and modified into the system of Roman Catholicism by the application of a very thin gloss indeed.

Under the earlier monarchy, these public ceremonies were celebrated by rites of the church in honor of the king or of God. The scenic effects were highly elaborate, representing for the most part scriptural subjects. As years rolled by the secular influence of heathen Rome became predominant in art, letters, and law. Even the church was not free from the æsthetic power of classicism, and the public festivals were permeated by it. There arose the strangest and most fantastic confusion in the public mind between classical and scriptural subjects, concerning both persons and places. Since the very corner-stone of absolutism was the Roman law, secular life in France grew continuously more and more classical in its judgments and ideals, until beneath the veneer of ecclesiasticism it was the heir, not only of Græco-Roman morals and learning in their best pagan form, but of Græco-Roman vices too; so-called good society, it has been charged, cultivated certain of the shocking and unnatural, nameless and semi-oriental practices which characterized the secret cults of both Athens and Rome in the years of their decline. This influence was felt in the festivals, which too often were thus either turned into or accompanied by orgies and saturnalia. At the best they became more secular than religious, even on the high

feast days of the church. The thought of eliminating the religious element entirely was therefore not far fetched. The first proposal to that effect was made anonymously in 1789, that an annual secular holiday should be decreed in honor of the Fourth of August.

The project received no general or spontaneous support, but Talleyrand, in his memoir on public instruction dated September tenth, 1791, dwells at length on the advantage of national festivals like those of antiquity, stripped, however, of all religious character or significance. Their aim should be purely moral—that is, of all except two, recurring annually, to confirm liberty under law and equality, on July fourteenth and August fourth; the others should not be periodical. Appointed and celebrated according to the needs of a free people to commemorate any event which might confirm the precept most needed at the moment, they should be adorned with all the human brilliancy which the fine arts, music, the stage, contests of strength and skill and splendid prizes for success could call forth—to render better and happier the aged by recollection, the young men by triumph, the children by expectation.

A similar paper on the same topic was written by Cabanis for Mirabeau; but, on account of his death, it was never delivered by the great orator, or even used in any way by him for the basis of a speech, as was his custom. This essay takes the matter even more seriously. The practice of liberty being complicated and difficult, provision must be made for all of man's desires, physical and moral. The physical wants of man are easily supplied, but his moral cravings for sympathy and friendship, his devotion to country, the gratification of all the sweet, ennobling yearnings which make for humanity, how shall these be satisfied? Religion neglects the wants

of "here below," preaching self-denial, renunciation, and solitude for the sake of closer companionship with God. In this majestic thought the state can have no share; the object of national festivals must be far different—viz., the gratification of human longings, the furtherance of mirth, joy, and contentment, the worship of liberty, the worship of law. Such documents as these two, though not widely circulated, expressed the common mind and to some extent formed it.

But the fatal error of French thought was so ingrained into every religious and philosophic sect that when the great Festival of Federation, as it was called, was celebrated in Paris on July fourteenth, 1790, by six hundred thousand persons, Talleyrand, as Bishop of Autun, said mass before the assembled multitude. The numerous celebrations throughout the country were also of a religious character; the Constitutional clergy marched first to the "altar of the country," and after them the National Guard. Yet it would be altogether wrong to consider the holiday as having had a religious character beyond its having preserved in the celebration an outward respect for religion. The local reunions and the general assembling of like-minded men throughout and from all parts of France certainly produced an enormous effect in unifying and consolidating the movement of the Revolution. The oath to the constitution gave solemnity to the whole. Enthusiasm caught the vast multitudes, and it was not without reason that recourse was had again and again to similar celebrations for the rousing and strengthening of patriotism. The festivals of the Revolution became a fact of the first importance, for they supplied one element of worship, the common assembling of men; at the same time they insidiously directed the quasi-religious enthusiasm

of the multitude toward the idea of country as a substitute for God.

The love of pageantry had displayed itself a month earlier, on June nineteenth, 1790, when the Baron Anacharsis Cloots of Cleves presented himself before the bar of the Assembly at the head of a deputation comprising men of some twenty different countries, each in his particular national costume, that they might congratulate France on the fall of despotism. This scene has always been represented as theatrical and absurd; in reality it was effective and impressive both among those present and the people at large. It was the precursor of numerous minor civic celebrations in and about Paris, and of a considerable number in the provinces. All these were destitute of religious character—utterly so. One of the common mottoes displayed on the banners was *Requiescat infernis, i. e.*, the aristocracy; and the favorite symbol was the torch of liberty. This movement made rapid progress and within a year culminated in what might be called a truly national festival.

In 1778 the Paris clergy had refused burial to the remains of Voltaire, and by permission of the ministry they were buried at the Abbey of Sellières in Champagne. In 1791 this property, confiscated and sequestered a year earlier, was sold to a private person. Several requests were made that the body be brought to Paris, and on May eighth the Assembly so ordered; on the thirty-first they decreed a public funeral and the deposit of the remains in the Church of St. Geneviève, which had been secularized as a Walhalla or Pantheon for the great men of France. The directory of the Department of Paris was charged with arrangements and details; it in turn appealed to the city wards, and they appointed a committee representative of the capital. This aroused a storm of fierce, indignant opposition

among pious people; many of the clerical and lay adherents of the Civil Constitution of the Clergy joining in a powerful protest. The charge—now, alas! only too true—was flatly made that the friends of the Constitution were no longer the friends of religion. But nothing could call a halt. A superb catafalque forty feet in height, designed by David and made of bronze, conveyed the body toward Paris stage by stage, amid the acclamation of the thronging populace. An enormous and costly ceremony was arranged at the metropolis, and carried through in spite of tempestuous rain. On July eleventh the corpse was deposited in the Pantheon with honors of parade, eloquence, and solemnity such as recall nothing short of an apotheosis.[1]

Nothing illuminates the swift secularization of French society, or at least a large stratum of it, like the contemporary accounts of Voltaire's mortuary progress. There is no reason to suppose that the circumstances would have been substantially different in any other part of the land. The coffin was opened at Romilly and the features were found to be unmarred, scarcely more ghastly than in life. Fathers, mothers, young men, maidens, and children heaped garlands about the bier as they gazed a moment in tearful silence and passed on. As the procession moved from place to place, it was headed by the village mayors in full civic costume, and long files of national guards, with branches of oak and laurel in the muzzles of their muskets, surrounded the funeral chariot. Thousands of pilgrims flocked from far and near, many touched the sarcophagus with their kerchiefs and then devoutly kissed the fabric, now something sacred, to be stored up as a cherished keepsake.

[1] The original papers may be found in Robinet, Mouvement Religieux à Paris, 1789-1801, I. 527.

In hamlet after hamlet triumphal arches were erected over the highway at the entrance, and children in white strewed the streets with roses, jasmine, and amaranth, moving rhythmically to soft strains of music from choruses and bands of rustic players. Throughout the countryside the idolatry of ecclesiastical relics was transferred to those of the secular saint. In the outskirts of Paris the throngs were immense, and cries of chastened gladness resounded from every side as the remains were carried to the site of the Bastille. There, on a pile constructed from the ancient ruins and adorned with myrtle could be read the inscription: "Voltaire, on the spot where tyranny enchained thee receive the homage of the fatherland." For the night was set a guard of honor, twelve hundred "Voltairians," professors of the rising cult. As the masses thronged to gaze, a priest in one of the groups cried out in bitterness: "O God, thou shalt be avenged!" The quick rejoinder was a cheer for the mayor and citizens of Romilly, "who have preserved for us the body of Voltaire."

Next day the line of march was thronged with a vast concourse, whose curiosity and enthusiasm not even the wrath of the elements could check. In the procession were companies of soldiers, of Jacobins, of artisans, of men from the St. Antoine quarter carrying the banner riddled at the taking of the Bastille, of students, of provincial citizens, of the workmen who razed the Bastille, of members of the Academy and literary guilds, of magistrates, ministers, and deputies. There were also rank on rank of players and artists, representing the stage, sculpture, and painting. Among the emblems borne aloft were busts of Mirabeau, Rousseau, Franklin, and Désilles;[1] a model of the Bas-

[1] Désilles was the young officer in a mutinous regiment at Nancy who besought his fellows not to fire on the troops

tille; a shelf of Voltaire's works given by Beaumarchais; and banners with clever inscriptions and devices. Among the ranks was one composed of Charles Villette with his wife and little daughter, the family of Voltaire, and another formed by the Calas sisters. The catafalque was superb. Above the sarcophagus was a canopy on which reposed a half-reclining figure of the philosopher, over whose head Immortality held a crown of stars; from vases at each corner blazed the flames of delicate perfumes. "To the Manes of Voltaire," ran the inscription on the front; that opposite was: "He defended Calas, Sirven, La Barre, Montbailly" [1]; on one of the two sides, "He fought atheists and fanatics, he reclaimed the rights of man against slavery and feudalism"; on the other, "Poet, historian, philosopher, he enlarged the human mind and taught that it should be free."

A pause was made before the house where the sage had last resided on the quay of the Theatins, now the quay Voltaire. There the catafalque was in full view of the Tuileries windows. Perhaps the royal captives saw what occurred. Mme. Villette, adoptive daughter of Voltaire, advanced toward the car, greeted the statue, and dedicating her child to her divinity, "her

of Bouillé which had been sent to quell the insurrection. Finding his plea of fraternity in vain, he threw himself in front of the guns of his own men, and fell mortally wounded. The Assembly in 1790 formally voted that he had deserved well of his country, and his manhood was widely celebrated both in the pulpit and on the stage.

[1] The case of the Montbaillys, husband and wife, was a simple miscarriage of justice, without reference to religion in any way. Both were falsely charged with the murder of Montbailly's aged but sottish mother, who appears to have died in a drunken stupor. The son was executed, after mutilation. The daughter-in-law, after long imprisonment, escaped death by the personal intervention of Voltaire with the chancellor who reviewed the case and, all too late, pronounced both the victims innocent. The date was 1770. See Voltaire, Oeuvres Complètes (ed. Moland), XXVIII. 429 and XXX. 577.

papa great man," fell in a rapture amid the wild din of the trumpets playing a funeral march and the chanting of the choirs. It was ten at night when, under the glare of flickering torches, the remains were solemnly deposited in the Pantheon, to remain forever! Less than the time reckoned as a generation of men had elapsed when they were violently torn from the stately tomb and cast with quicklime into an unmarked, unhallowed, and unknown grave. Yet at the moment Voltaire ruled supreme in the "diocese of free thought," a circumscription widening with every hour. Men by scores of thousands believed that at last theology and philosophy were divorced; they saw and were drawn to the adoration of human grandeur as a substitute for divine. Now, as then, rationalists mark that day as the deification of the human reason. The broad highway to blasphemy and scandal was thenceforth opened wide, and thousands thronged to enter it.

XI

THE CARNIVAL OF IRRELIGION

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THE monasteries of France were an Ultramontane bulwark quite as formidable as the prelacy. Yet at the outbreak of the Revolution they had a far stronger resemblance to a stolid, passive earthwork than to an aggressive fire-spitting fortress. The first attacks upon these bastions, as made in the decree of February thirteenth, 1790, only rendered them the stronger, by reason of the iron which entered into their mass, as it were. Under the old monarchy neither monk nor nun had any standing before the law, except as the law enforced the vows of chastity, poverty, and obedience. They could neither marry, inherit, nor make testamentary disposition of property; fugitives could be returned by force to the monasteries and nunneries from which they had escaped. The Revolution began, as we have elsewhere noted, by dispensing with the validity of monastic vows and forbidding any further administration of such oaths, under penalty of suppressing the establishment where they were taken. Monks and nuns could leave their monasteries by making a simple declaration of their desire before the nearest municipal authorities. In that case they would receive a "suitable" pension. Monks who desired to continue their secluded life were assigned to certain establishments; nuns might remain where they were if they so desired. "Nothing is to be

changed," ran the decree, "in respect to the houses concerned with public education or with regard to charitable establishments until a course regarding these matters has been decided upon."

The existence of monasteries, nunneries, and convents was thereafter neither legal nor illegal, but their inmates were completely emancipated from "civil death." Other measures, six in all, were taken subsequently, but they were purely administrative. While considerable numbers of the "regulars" abandoned their cells, yet the majority held their vows to be binding, continued wearing their distinctive garb, and remained in the exercise of their monastic functions, not loosely and listlessly, as of old, but with zeal and energy, because they had now a moral stimulus. They appear to have undergone a corresponding spiritual reform, to have cleansed their hearts and mended their ways. They were, of course, nonjurors.

This was the situation until after the king's forced return from Varennes. On August fourth Legrand, a deputy further unknown to fame, reported in the name of the Ecclesiastical Committee that conditions in northern France had become intolerable. With the time-honored plea of the public safety, used in all its usurpations by the old monarchy, he proposed that all active members of religious orders should immediately present themselves at Paris for assignment to safe quarters; that all the rest, together with the nonjuring parish priests, be banished to a distance of thirty leagues, about eighty-five miles, from the frontiers of their departments. The proposition was not enthusiastically received by the Constituent, which was really aghast at the consequences of its own course, and afraid of such wholesale proscription; after much bitter talk the report was relegated to the obscurity of the committee-

rooms.[1] It was therefore in connection with ecclesiastical affairs that the terrible theory of "public safety" dear to the old monarchy again lifted its direful head. It was on the plea of the "public safety" that severe penalties were almost at once enacted against all Frenchmen who should endeavor to leave France, even the king. Thus far the emigrants, successful or unsuccessful, were in the main prelates, aristocrats, and members of the royal family.

Meantime political affairs, both internal and external, were growing more and more entangled. On July sixteenth a company of "patriots," including Danton and Camille Desmoulins, who desired to memorialize the legislature in a monster petition for the king's demission, unwittingly involved themselves in a riot on the Champ de Mars. The royalists on that day massacred hundreds of innocent persons, and the republicans bore all the blame. The moderate royalists grew stronger and stronger during the summer, and when, on October sixth, Louis presented himself before the legislature he was received with wild enthusiasm. His smooth speech and brazen forehead had a soothing effect throughout France, and except for the religious chaos there was a marked improvement in the relations of the crown and the legislature. On the thirty-first the Comte de Provence was formally summoned to reënter France under penalty of losing his hereditary rights. On November ninth Frenchmen foregathering and colloguing in foreign lands were declared to have placed themselves under suspicion of treason, and were threatened with loss of all rights if they did not return home before January first, 1792. The king dared to veto this enactment, but summoned his brothers to return. They mockingly refused.

[1] Moniteur, August fourth, 1791.

The absolute monarchies of Europe now stood aghast. During the earlier years of the Revolution they were like crows about carrion; but now the carcass of Poland was nearly dismembered, and further aggression upon the Orient was postponed. As far as the French nation knew, the political reforms inaugurated by them had aroused elsewhere a curiosity which was in the main sympathetic and in some instances enthusiastic. But the plainest Frenchman understood that from the moment of Louis's arrest kings and royal chancelleries were furious at the duress put upon him. The influence known later as the Girondist, but still styled Jacobin, was now paramount in the Legislative, and was steadily growing in France.[1] These men and their friends were outraged by the reception of the emigrants at foreign courts and the success of emigrant efforts in forming an armed resistance to France by the connivance of rulers in neighboring countries. The German-Roman empire, of which Austria was the head, was furious at the assaults made by France on the feudal rights of German princes in Alsace, demanded the suppression of Jacobinism at Paris, and exacted the emancipation of the king. Royalists and "patriots" throughout France were alike eager for war, the former to liberate Louis, the latter to extend the Revolution, to array peoples against their absolute rulers, and "municipalize" Europe. Robespierre and his followers alone dreaded the conflict. The Giron-

[1] At the outset there was no essential difference between the factions of the "Mountain," and when the split actually occurred it had nothing to do with religion, nor, strictly speaking, with politics. Those who were finally styled Girondins desired a preponderance of provincial influence over that of Paris. They came from nearly every district of France, not especially from the south, as has so long been taught. See Aulard, La Société des Jacobins, V. 533, for the voluntary identification of the Jacobins, by themselves, with the "Septembriseurs."

dist ministry was formed, demanded either war or a stable peace, and summoned Austria to desist from her courses. She retorted by a disdainful refusal.

What no Frenchman then knew, but what both Robespierre and Marat suspected and shrewdly followed, was the tortuous course of Louis. On December third, 1791, "the king of the French, the Constitutional king," swearing again and again to support the new constitution, civil and ecclesiastical, secretly suggested to Frederick William of Prussia a European congress, backed by armaments, to intervene in French affairs. Austria and Prussia drew together to protect absolutist and feudal Europe; and Russia, hoping for a free hand in Poland, encouraged them. Louis sent a secret agent to Vienna disavowing all the procedures of his government, and went in person to the hall of the Legislative to propose war. Of all black crimes known to history, none could be blacker. With a headlong folly which was nothing short of criminal, the formal declaration of hostilities was made by that fatuous Assembly.

The first French column which took the field fled in panic before the Austrians, but, being themselves unprepared for war, the victors did not follow up their advantage, and the French court, during an interval of two months in the active operations on the field, put forth in secret herculean efforts to stimulate the invaders of France and inaugurate the counter-revolution on the ruins of French defeats. Finally an inkling was given of the truth, and suspicions began to dawn in the minds of the deputies, who then, and right quickly, grew furious and so were ready in their cowardly panic for any excesses. They took the hint from a strange boldness displayed by Louis in repeated refusals to sanction decrees enforcing the Civil Constitution of the Clergy. For such a prince to defy such a legislature

at such a moment in such a matter was indeed portentous.

The strides toward religious anarchy made by France within the two short years from 1791 to 1793 can be understood only by two considerations: that of discord and schism in the church, that of temporary concord and union among the radical Rousseauists. The solemnities of Christianity had steadily lost their meaning, while those of the fatherland cult were continuously arrogating a religious and binding character to themselves. To a people rendered incapable of distinguishing religious from secular, public from private duties, the secular and public obligations they felt so strongly were easily erected into a system of worship excluding the other. It was not a very long step to the festival of Reason.

On the other hand, the Pope had now announced himself as rigid in his position, for he had refused to receive a successor to the Cardinal de Bernis on the ground that a representative of the Revolution would be an apostle of anarchy. His followers therefore went on with their resistance, and in consequence the leader of the Avignon "patriots" was killed. Hundreds of the faithful were massacred in brutal retaliation; the murders were committed within the ancient palace of the popes on October sixteenth, and, on the plea that Avignon was not a part of France until November eighth, the murderers were in March of the following year (1792) virtually amnestied by the Legislative. Louis was appalled, but, expecting speedy relief, he stood firm. The situation was terribly strained, and only a single noble voice, that of André Chénier, the poet, was lifted with fervor to demand that the quarrels of priests should thereafter be let alone and so ended. But the Legislative did not hearken, and

continued amid the din of arms to occupy itself with ecclesiastical riots, to the exclusion of its regular business. Before the end of its first quarter, on November twenty-ninth, at the instigation of one of its fiery and unreasonable members, Isnard, it flatly took the utterly untenable position that there could no longer be toleration for nonconformists; that though nonjuror laymen might continue to worship in private places, all nonjuring priests should be deprived of their pension and considered "suspect of sedition and revolt."

This was the real turning-point of religious affairs. The king boldly vetoed the decree on December nineteenth, and the veto, widely discussed as a piece of royal effrontery, was in general ignored. The famous Constitution of 1791 was thus assassinated in the house of its so-called friends. No measure was a law unless with the royal assent. By the royal veto every measure of the legislature was invalidated. This decree therefore was constitutionally null and void. Yet popularly it had, and continued to have, great force. Persecution was, if not legalized, at least no longer without a partial sanction. Riot and bloodshed grew more and more frequent. Serious efforts were made at repression by criminal prosecution, and the Assembly applauded a suggestion to enforce the constitution with the least possible reference to the Constitution of the Clergy. But in vain. Reason asserted itself in a few quarters by a steadily growing conviction that under the existing ecclesiastical charter, with a paid clergy, religious liberty was impossible. But reason was no longer a guide for the fanatical radicals now ascendant in the legislature; disdainful of common sense, they determined to meet the fanatical priests with further severity.

The debates on the decrees of November and May

exhibit how the radical determination to "decatholicize" France became pivotal to the subsequent secular policy of the Revolution. Isnard, though a deputy from Provence, the hotbed of extreme radicalism, was himself a Girondist. He argued that seditious priests were the worst possible rebels because of their numerous followers and consequent influence. From this they should be removed by deportation and punished, like other criminals, with rigor and justice. The infliction of fitting penalties was in no sense martyrdom, for martyrs die for conscience sake, not for offences against public order, a class of purely secular transgressions which honest men can easily avoid. Not priests alone, but all Frenchmen should be forced to take the civic oath, for such a measure is the sole preventive of anarchy. "I would punish alike all fanatics, all agitators; such is my creed; the law is my God; I have no other. I am interested in and inspired by the public welfare, and by that alone." [1] This, although it was retracted later by the speaker, is the whole matter in a nutshell. No obligations of truth or justice in view of the public safety, and of this the legislature is the sole judge! François de Nantes furnished the corollary in asserting that all ecclesiastical agitators were mere hypocrites, prompted in reality by political motives, by unswerving hatred of the constitution.[2] On the other hand, there were numerous protests from the departments, and one, most notable, from the Paris Directory, a paper

[1] Moniteur, November fourteenth, 1791. This is the same who, two years later, when president of the Convention, hurled at the Paris commune the famous threat: "If it should happen by means of these recurring riots that the national representation should be endangered, I declare to you in the name of all France that soon men will be searching on the banks of the Seine to discover whether Paris ever existed." See Aulard, Histoire Politique, etc., p. 435.

[2] Jervis, The Gallican Church and the Revolution, p. 193.

which was probably the work of Talleyrand. It was a plea for liberty of worship and a remonstrance against intolerance. Such, however, was the general contempt of the king's veto that by February, 1792, the state of the entire country was deplorable. The Minister of the Interior, Cahier-Gerville, was ordered to report on it. This he did by frankly acknowledging the facts; as the only possible remedy, he appealed for obedience to the constitution, including the Civil Constitution of the Clergy. The report was a confession of helplessness, and De Moy's plea for utter disestablishment, with a complete voluntary system, which was speedily published, merely exasperated further the extremists of both sides, who desired no reconciliation.[1]

On March nineteenth the Pope issued two briefs, one refuting the Constitutional statement of principles, the other continuing the powers of the nonjuring bishops, and thus perpetuating the orthodox church. In May a special committee of twelve on the state of the nation reported. Pointing out that since all the nonjurors were acting in harmony there must be a conspiracy, that not one of the conspirators had been brought to justice, and that therefore in the present state of affairs there was only one possible remedy, its conclusion was that all the disaffected priests must be banished.

This was the signal for an exhibition of the temper which now controlled the Constitutionals. With brazen effrontery they asserted through their mouthpiece, a Constitutional bishop, Ichon by name, that the nonjurors were merely traitors, a permanent Austrian committee, denouncing by secret propaganda all Constitutional principles, and that, everywhere throughout France. The charge was coincident with the panic over the Austrian successes in arms, and the decree of

[1] See above, p. 162.

the twenty-seventh, rushed through with headlong speed, provided for the banishment of any and all nonconformists. Next day, in a state of utter distraction over the defeat, treachery, and cowardice of the troops, the Legislative declared the country in danger and itself the permanent authority. The king's guard was then disbanded and a revolutionary army was ordained. It seemed a preternatural and suspicious boldness that the king should dare to veto this decree of the twenty-seventh. His truest friends begged him to yield, but he stood defiant as a rock.

Of all the interesting and instructive comparisons or contrasts which could be made between the respective courses of the English and French revolutions, separated as they were by a century, none is more instructive or more interesting than the differing fates of two monarchs, both of whom relied on foreign aid for support ecclesiastically and institutionally. The English nonjurors wanted James to remain, the Whigs desired nothing so much as his flight; the French Ultramontanes were eager for Louis's escape, the fiery radicals were determined either to bend the monarchy or break the monarch. Both English and French conservatives labored for anarchy in the belief that finally old conditions would be restored. "Box it about, it will come to my father" was the Jacobite password to a chaos from which must reëmerge the absolutism of James; that of the French Ultramontanes, though identical, was scarcely a secret, and therefore required no form of thieves' patter to conceal it. In the end the refractories of both nations got the same lessons: there can be no religious liberty without free discussion, and there can be no free discussion in a volatile, disorganized, and distracted body of representatives, whether it be called a free parliament or a Constitutional legis-

lative; there can be no civil liberty without perfect religious freedom, and this last is utterly inconsistent with an Erastian establishment.

A careful student of the English Revolution might almost have foretold the successive stages of the French Revolution. But there was not one. The French believed they were working out a new problem in a French way, and with few exceptions disdained the lessons of English history. Though engaged in a work as beneficent as that done in the British Isles at the close of the seventeenth century, they avoided no shallow, no reef, no whirlpool in their course by means of their neighbor's experience. English opinion disdained them for their indifference, and represented their revolution as a series of cataclysms, a judgment which has too long imposed on credulous readers. In fact, the climax of the French transition, as we have reached it, was almost identical with that of the English; and this in spite of the fact that the Grand Alliance of William III., being mainly continental, prevented such direct interference of strangers in the English Revolution as that which violated French soil and roused the French to unreasoning passion. The riots which began in London a century earlier were quite as menacing as the earliest disorders in Paris; they were checked by the approach of a wise man, a prince of Stuart blood, whose trivial military feats on English soil merely put Irish papists, hated foreigners, beyond the power of evil doing.

The temptation to recount other analogies and contrasts well-nigh innumerable is almost irresistible, but perhaps a single one may suffice to fix a landmark of human experience. Had not the acquittal of the bishops clearly foreshadowed religious liberty, there would have been in England a cataclysm quite equal to that

which was thought to have occurred in France when the Legislative, in the name of civil liberty, destroyed all hope of religious liberty as it did by the steps it took throughout the close of 1791 and the whole of 1792 to repress a social disorder which was purely religious.

Necessarily matters in France took exactly the turn which human passion, whether in England or elsewhere, would have forced them to take under identical conditions. The evolution in France was swift and terrible, but it was a natural historic evolution for all that. It appeared like a cataclysm, but it was a historic process. The riots of June twentieth and the awful day of August tenth were both parts of the fierce lawlessness engendered throughout France by the onset of the Legislative and the resistance of the king. The first was an awful menace to Louis by the riotous populace; the storming of his palace, with the aid of the terrible fèderates or Marseillais, was the fulfilment of the threat; the conclusion was his deposition from an office he ought to have abdicated long before of his own accord. The subsequent massacres of September second, wherein, according to the most careful estimates, about three hundred nonjuring priests foully perished, were, though virtually legal, yet in reality the foulest assassinations of revolutionary madness.[1]

This marked the final and complete rupture between the remnant of disordered government struggling on at Paris and the nonjuring Catholics; and although the shameful deed took place after the deposition of the king, as if in consequence of it, yet in reality it was the sequence of events antecedent. The king and royal family were imprisoned in the Temple on August thir-

[1] See Barruel, Histoire du Clergé, p. 593, for the list of the killed.

teenth. The work of sacking the Tuileries, initiated by an insurrection, was recognized as regular and legal by the Legislative, and the dregs of Paris society now wielded the sceptre. It was felt by the masses that France could not now be betrayed by her king, but, on the other hand, there was the certainty that all Europe would immediately join Austria to compel the Jacobin mob of Paris to abdicate.

The Legislative, however, was committed to Jacobin support. An awful war was inevitable, men and resources must be found without a moment's delay. There still remained to the nation a quick asset in the property of the monasteries. Monks and nuns alike had swollen the ranks of the refractory nonjurors, but they alone of the ecclesiastics had retained their possessions. On August seventeenth the legislature decreed urgency, shut the convents, and put an end to monastic life. Next day it suppressed all religious orders, even those devoted exclusively to nursing, charity, and education. Further, and this was a measure of vital importance in the public mind, it forbade as a criminal offence the wearing of all and any monastic costumes whatsoever. Finally, all the estates of the monasteries were to be sold as national property. Women were to receive a small pension without conditions, but the same restrictions—to wit, the taking of the civic oath—were put upon the regular priests as on the secular. These measures were coincident with the invasion of French soil and the investment of Verdun by foreigners—Prussians under French guidance. No extreme of retaliation or of injustice was too violent, if advocated in the name of public safety.

This was the spirit which led Marat to call for vengeance on the traitors in French prisons before advancing to repel the invaders and French traitors at the

front. The holocaust of mob vengeance was declared a purge; it was a purge in the main of ecclesiastics, ruthlessly administered by those who now abhorred Christianity in any form. The Legislative feebly disclaimed the responsibility and virtually abdicated. To Danton and a dictatorial committee was entrusted the national defence. Though the September massacres were hateful to Danton, yet nobody was punished.[1] His energies were successfully directed to organizing an army, and though the battle of Valmy, on September twentieth, was a small affair, yet after it the Prussians retreated, and such was the moral effect that Goethe but formulated European opinion that revolutionary France could and would resist all interference by her neighbors when he declared that a new era opened on that day. The Legislative Assembly almost at the same hour which saw the Prussians retreat completed its work of ecclesiastical legislation by taking from the parochial authorities the registration of births, marriages, and deaths. Vital statistics have since been kept by the local secular authorities. This was consid-

[1] The process whereby the radicals of Paris extinguished the influence of the provincial radicals in the legislature was gradual. The Jacobins of Paris were ostensibly royalist until 1793, and shrewdly cast the odium of the king's execution upon the Girondists. It was not until they expelled Philippe-Egalité from their club and turned the tables by proscribing both him and the Girondists that they were recognized as republicans. To justify this attitude they chose to connect the events of August tenth and September second as inseparable because of the volunteer movement for national defence coincident with the massacres. One was splendid, the other excusable. The events of August were a blow for fatherland and liberty, those of September assured their victory. Thus, although the massacres were the work of a wild and maddened populace, the radicals assumed responsibility for them. When Danton, on March tenth, 1793, described the days of September as a bloody outrage he fixed the stigma for all future time on the Jacobins. Eventually the Girondists profited by their momentary obscuration. See Aulard, La Société des Jacobins, V. 533, and Histoire Politique, p. 416.

ered to complete the emancipation of the state from church control.

The National Convention was a very different body from its two predecessors. Elected under the constitution of 1791 as an "assembly of revision," it marked the downfall of all burgher privilege, the sovereign control of affairs by democratic-republican opinion. Abolishing monarchy and executing the king, it was concerned primarily with the defence of the country and further purging the state of all traitors at home. These ends it sought to gain by revolutionary means, and at the earliest moment after appointing revolutionary tribunals and executive committees it proceeded to carry on the work of complete separation between church and state—what is called the "laicization" of France. In this ruthless process it was not content to deal with nonjurors, but, openly irreligious, it began to attack all worship, including that of the Constitutionals themselves.

It was decreed that thenceforth all public servants, ecclesiastic and secular, should swear the purely secular and political oath—"to maintain to the utmost of their power liberty and equality or to die at their post." Many of the surviving hierarchy gladly complied, for they felt this to be a complete relief from the heretical declarations required under the Civil Constitution; others declared that since the law emanated from a Godless body so perjured and unhallowed as the regicide Convention, it must be of the devil and an impossible burden to be laid on Christian conscience. The leader of the former group was a wise, strong man, Abbé Émery, who stuck to his post; the other camp followed the violent Abbé Maury, now safe in Rome; like their leader, they emigrated. For the most part these men, literally by thousands,

sought refuge in England as martyrs for conscience sake.

Pius VI. was himself careful not to pronounce on the character of the oath, finally explaining, in July, 1794, that since the Holy See had not declared itself, those concerned should examine their consciences in regard to swearing, and that no one who had already sworn was bound to retract. This inexcusable indecision, combined with the shocking conduct of the Convention, completed the schism which shivered the ecclesiastical fabric; there were those who had taken both oaths and those who had taken neither, while some had sworn to one and not to the other. In its mad rage the Convention drew no distinctions, and proscribed men from each of the four classes; even the Abbé Émery was haled before the Bloody Tribunal, and barely escaped with his life. For seventeen long months he was the ghostly comforter of the sorry and wretched company behind the bars of the Conciergerie, and gave the final consolations of religion to scores among the terror-stricken groups of men and women who daily passed its doors to be murdered by the guillotine. Meanwhile the Convention was revelling in atrocity.

By the decree of April twenty-fourth, 1793, all ecclesiastics, seculars, regulars, brothers lay and menial, who had not taken the oath, were banished to French Guiana. Leaving the Constitutionals for a short time, but most grudgingly, in the enjoyment of their legal status, it authorized the marriage of any who so desired without disturbance of their office. Many contracted matrimony. They were protected against arrogance by three statutes, passed respectively in July, August, and September. The feeling against a priestly caste was steadily growing stronger, and there were

symptoms of a desire to abolish Catholicism utterly in all its forms. Even a Constitutional, it was enacted in October, if not married could be denounced for "incivism" like the nonjurors. The guilty were banished to the African coast between the twenty-third and twenty-eighth degrees of latitude. From September onward there were lay burials; local festivals were given a distinctly heathen character; many churches and sacred vessels were desecrated, and one church building at least was transformed into a "Temple of Truth." [1] The course of the sovereign assembly was correspondingly a swift descent to hell, in which every type of extreme fanatic heathen took his turn at the helm and was swept into perdition to make room for another, until the engulfing maelstrom was reached and the faint-hearted, shallow Robespierre sounded the alarm.

The pleas for the Convention so constantly reiterated are all alike pitiful—all except one: it was the incarnation of energy. While it was revelling in political and religious massacre, it was forsooth talking philanthropy; while it was gorging itself on the dis-

[1] It is important to note the receding pulsations of conservatism which were intercalated with the stages of rising irreligion. On November thirteenth, 1792, Cambon proposed to abolish the support of public worship and reduce secular taxation by the twenty million dollars thus to be saved. Robespierre flouted the idea as an attack on public morals, and there were threats of rioting. Danton secured a vote to the effect that the Convention had never seriously considered such a course, and this was embodied in another resolution of January eleventh, 1793. A few days later the legates of the Convention declared in a proclamation to the Vendeans that the republic was founded on the moral system of the gospel. On May thirtieth the Fête-Dieu was publicly celebrated in Paris without disorder, and in June it was decreed that the salaries of the ecclesiastics were a part of the public obligations. But these acts made no impression. Public attention was fixed on the ruthless treatment meted out to the refractories by the Convention.

membered limbs of the social organism, it was discussing elementary schools; while it claimed to represent the noble principles of 1789, it violated each and all of them, covering every crime by the Jesuitical plea of the "public safety." The Jacobins were madmen, the Girondists were temporizers, and fury conquered. The growing tide of desperation showed itself clearly within the walls of the riding-school where the Convention sat, in the treatment of its own members, the seventeen Constitutional bishops and twenty-two priests who sat as deputies. These all, with one exception, were so overawed by the relentless bloodshed in the French cities, on the one hand, and by the unparalleled deeds of courage shown by the French armies, on the other, that they were stunned. Both these extraordinary phenomena were considered by the people to be the work of the same men. They appeared to be inspired and stimulated by Robespierre, Danton, Billaud-Varenne, Collot-d'Herbois, Couthon, Marat, Lindet, and their ubiquitous proconsuls at home and abroad. So profound was this conviction and so widespread, that the Constitutionals were fain to accept it as a truth.

It was this disastrous confusion of ideas which for a moment gave an otherwise incomprehensible and irresistible renown to the clever scoundrels.[1] Foolish men

[1] On July twenty-second, 1793, the Convention ordered that all church bells should be cast into cannon, leaving only one for use in each parish. The surplus church plate had already been coined; the use of churches for secular meetings was common; in consequence, churches and church services had suffered in the public esteem. By October, 1793, the representatives of the Convention at Abbeville and Nevers began to stigmatize all priests, discarding altogether the distinction between good and bad priests so long held, as harlequins and puppets, and all services as superstitious and hypocritical. Over the lich-gates of cemeteries Fouché inscribed: "Death is eternal sleep." The church at Rochefort was transformed into a Temple of Truth; eight priests and a Protestant minister unfrocked themselves. The festival of August tenth in the

holding important positions made a mad dash to imitate the all-powerful leaders. On November seventh, 1793, a curé named Parens began the downward rush, renouncing Christianity in a letter to the Convention and asking for a pension. His request was granted, and at once the miserable Gobel, archbishop enthroned at Notre Dame, appeared amidst his vicars and many curates to follow the wretched example in words so vile that a wild extremist, Chaumette, was moved to rise in his place and celebrate the hour when Reason had resumed her seat in France. The heathen calendar of ten-day weeks had been adopted a month earlier;[1] steadily it had been emphasized that priests were to marry and Sundays were to be days of labor—enforced, if necessary—while the Décadis were to be holidays without labor and heathen festivals. The session of November seventh was a carnival of passion; Catholics and Protestants alike renounced their religion, and the process of apostatizing would have swept the hall but for the sudden appearance of the grave and noble Abbé Grégoire, who entered, gained the tribune, and, calmly declaring himself a sincere, convinced Christian, exposed the motives of the apostacy and in a measure stemmed the tide. In a measure only, for there was yet one priest who, by permissive decree of the Convention, changed his name of Erasmus for that of Apostate, and some scores of his kind, including thirteen bishops, unfrocked themselves, married, and swelled the flood of anarchy and apostacy.

same year was destitute of all religious observances, and in November M. J. Chénier proposed to the Convention that the religion of the fatherland be substituted for that of Christ. In a country village the people discarded St. Blaise as a patron saint and put Brutus in his place as their divinity.

[1] Romme declared to Grégoire that the revolutionary calendar had been invented by him with the express purpose of abolishing Sunday. See Mémoires de Grégoire, I. 341.

The climax of scandal was reached by the machinations of Chaumette and Hébert; Danton's share in the movement remains uncertain. On November tenth, 1793, a public festival was celebrated in Notre Dame, newly consecrated to be a Temple of Reason; at the impassioned moment a notorious opera-dancer dressed for the part was saluted with the fraternal kiss by the president of the legislature. Reason was now the enthroned divinity of France.[1] Her worship was thereupon inaugurated in many other churches throughout the land, and those not thus used, or rather desecrated, were closed. One with another, the high priests of this cult vied in devising and organizing new kinds of orgies, and the shocking saturnalia were continuously celebrated until June eighth, 1794. The only mitigation of the horror is that half at least of the deputies refused all participation in the sacrilege.

When, after seven long months, the savage voluptuaries who sought their account in social chaos were sated, and when revolutionary France could no longer endure the espionage and tyranny of its own machinery—viz., the committees of observation, of upheaval, of execution, of court-martial—could no longer stomach the groans of prisoners from every convent building far and wide throughout the desolate land, nor endure the reek of blood which flowed from guillotines in every market-place—when, in short, hell had no un-

[1] Within twenty days nearly twenty-five hundred churches were transformed into Temples of Reason. (See A. Gazier, Études sur l'Histoire Religieuse de la Révolution, p. 314.) It is but just to add that the women chosen elsewhere to represent the divinity of Reason were not ordinarily hetairæ; as a rule, they were the favorites of their respective communities, noted for their spotless characters. In Paris the whole movement partook of the mocking contempt so natural to a French urban population; throughout the country it was taken seriously and regarded as a part of the national defence against Ultramontane reaction. See Aulard, Culte de la Raison, p. 112.

spent fury for suffering humanity, then at last the lean and bilious Robespierre came forward with the proposition to restore the Supreme Being to his place, and for that purpose instituted another festival, burning an effigy of atheism at the stake.[1]

But the saturnalia connected with the festival of the "Eternal" were scarcely less impure than those they replaced. The high priest himself offered the bloody sacrifice of all who could and would dispute his dictatorship. Strangely enough, it was the crazy perversion of his system by an aged, destitute, visionary beldame which ruined him. A certain Catherine Théot, assisted by the discredited Dom Gerle, celebrated in her dreary garret profane rites to the mystery of the "mother of God." It was this sacrilege which gave the first impulse to Robespierre's overthrow. A domiciliary visit of the police to this unhallowed shrine disclosed two documents, one an address to the dictator as "son of God," the other a certificate of "civism"

[1] Robespierre's confession of faith is contained in his address to the Convention, made on April tenth, 1793. He posed as the inexorable, unchanging, consistent, upright man. Aulard (Histoire Politique, p. 423) quotes the pen portrait attributed by some to Condorcet, by others to Rabaud: "He has all the marks not of a religious but of a sectarian leader; he has cultivated a reputation for austerity, such as suggests sanctity; he climbs upon a chair to prate of God and Providence; he calls himself a friend of the poor and the weak; he collects a following of women and feeble-minded persons; he solemnly accepts their homage; when danger threatens he disappears, when danger is past he alone is in view; Robespierre is a priest, and will never be anything else." Robespierre was sensitive to such satire, and grimly cherished the purpose of revenge until his radical foes were destroyed. He was a pronounced, avowed proselyte to the religious system outlined in Rousseau's Vicar of Savoy, secretly cherishing the hope of imposing that hazy dogma upon France as a state creed. The claim is now widely made by French historians that the Reason cult was deistic, and that of the Supreme Being neo-Christian or Unitarian; but as yet adequate proof in support of the contention is lacking. Danton certainly was an avowed atheist.

issued by the person thus addressed to his old friend the whilom Carthusian. These were the weapons first used by his enemies to discredit the man whom poor old Théot had styled the "Redeemer of mankind, the Messiah of the prophecies," and who was the self-constituted apostle of God and Immortality as a national creed.

Viewed from the standpoint of a state religion, Robespierre's deism was a distinct advance on Chaumette's atheism. But the majority of Frenchmen drew no distinction whatever between the two; they still wanted no other state religion than a reformed and regenerate Roman Catholicism; the numerous minority of intelligent liberals had come to understand that any state religion or national cult whatsoever meant persecution and anarchy. Both these parties were weary of the unending fiasco. The enemies of Robespierre therefore found unlimited support in their effort to overwhelm him with mocking contempt. His last efforts in public life saved both Théot and her acolyte, Dom Gerle, from the guillotine; but, reeling under this first blow which associated with him such blasphemous absurdities and made him ridiculous, he staggered under the next and fell under the last—the scapegoat of the Revolution. Posing as the Incorruptible, his devotees, chiefly women, undid him by their sentimental and distorted acceptance of his claims, and thus permitted his destruction by a desperate band of creatures worse than their victim. The events of Thermidor were the work of scoundrels, but they put an end to national cults for a time, brought about a temporary separation of church and state, and caused a marked reaction in favor of true religion.

XII

A GLIMPSE OF RELIGIOUS LIBERTY

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AMONG the "patriots" and generally, throughout the Terror, a blind, unquestioning loyalty to the system of the Convention was expressed by the newly coined term "civism." To be accused of "incivism" by undoubted terrorists was equivalent to attainder, with the penalty of death, outlawry, or exile. This accusation was the murderous weapon which fanatic radicals used throughout the term of horrors to destroy priests of every kind. Many of the Constitutionals, finding their position of functionaries no protection, but rather the contrary, since they were plain targets for infidels, recanted and faced the guillotine as orthodox papists. This was particularly true of those sentenced to the Conciergerie.[1] The utterly ferocious edicts of March seventeenth, April twenty-first, and October twenty-third, 1793, had gone far to amalgamate once more the earnest Christian men of all creeds, for the edicts virtually regarded piety as "incivism," and subjected those who harbored priests to the penalties enacted against their guests.

All who had emigrated or who were found either with foreign passports or with "counter-revolutionary badges," or who by hiding in France sought to avoid banishment, were to be shot within twenty-four hours.

[1] See the letter of Émery to the Pope, given in Theiner, Documents Inédits, I. 441.

All who desired to make clear their "civism" were required to be spies and informers, and those who in pity protected fugitives were considered as partakers in crime. The rigorous execution of the laws collected thousands for banishment; but since the French flag was no longer safe at sea, the vessels on which they were crowded could not sail except in a few instances. The prison-ships therefore lay indefinitely off St.-Malo, Rochefort, and Aix.[1] It is impossible to say which suffered the worse fate—those who, in spite of British cruisers, reached the torrid, malarial shores of Africa and French Guiana, or the far greater number who endured buffetings, starvation, and the horrors of pestilence between decks in the craft that idly rocked in French roadsteads. Six hundred of the latter are known to have rendered up the ghost within a single year; the atrocities of their jailers are indescribable.

But the majority of the attainted class threw themselves on the fidelity of their friendly parishioners. Thousands were provided with safe and comfortable hiding-places at home, and thousands escaped from France. Two thousand of the voluntary exiles sought refuge in the Papal States; they were treated with benevolence, and enjoyed a liberal hospitality. About the same number were distributed throughout the various dioceses of Spain, where likewise the archbishops and bishops vied one with another in generosity. In the Austrian portion of the Netherlands—what is now Belgium—great numbers were likewise entertained, and it is related that in Switzerland the refugees were received as household guests of the peasantry, the daugh-

[1] For Carrier's report on this subject, see Documents Inédits sur l'Histoire de France. Recueil des Actes du Comité de Salut Public, VII. 286. Those in his charge were sent to the dungeons of Mont-Saint-Michel.

ters of the host vacating their chambers and taking places as servants to support the added expense. But there is no more beautiful page in the history of humanity than that which records the reception and treatment of the French emigrant clergy in England. Differing radically in every point from their hosts, except that of their common Christianity, the Ultramontane refugees were treated like brothers. About five thousand were lodged, clothed, and fed, under no restrictions of any sort except that proselytism was discouraged. The monthly outlay for their entertainment rose as high as forty thousand dollars, and about four hundred thousand dollars all told were raised by private subscriptions and public collections.[1]

Among those who took the Convention oath to maintain liberty and equality by far the most conspicuous was that M. Émery who was the ghostly father of the poor souls incarcerated at the Conciergerie. From the extended account of his life which he has given[2] we learn that while he and others composing a new class of conformists were considered as schismatic and despicable, at first by the emigrant priests and finally by the Pope himself, yet the people of France were not so minded. In many scattered places the sacraments were administered and worship maintained by them according to orthodox standards. And this situation continued down to the Concordat of Napoleon.

There was thus a substantial body of Ultramontanes ministering regularly in important places during the years of dominant atheism. Satisfied merely to be unmolested, these men were the strictly spiritual comforters and guides they should have been. Like the

[1] See Jervis, The Gallican Church and the Revolution, p. 222.

[2] Vie de M. Émery. See also Méric, Histoire de M. Émery, I. 373, for the argument of the latter in a letter to Romeux.

Abbé Émery, they received the retractions of repentant Constitutionals, giving absolution and comfort to them and to thousands of the faithful. M. Émery, charged with "incivism" by enemies, but preserved from the mockery of trial by friends, roused his fellow-prisoners to repentance, strengthened the faith of the wavering, and supported the weak on the eve of their execution. He conducted four of the Constitutional bishops—Lamourette, Fauchet, Montault, and Savines—back into the fold. Had the fugitive Ultramontanes behaved with the same discretion and Christian charity, the results of Thermidor would have been far different from what they were. But the absentees, supported by Rome, poisoned the arrows of their wit and logic with a bitterness of hatred corresponding to that of the triumphant Convention, and were ready for every rash extreme of language and conduct as soon as circumstances permitted their return.

The typical instance of the faithful Constitutional is, of course, Grégoire. It must not for a moment be imagined, in consequence of certain dramatic scenes in his life already recounted, that he stood alone. Far from it. His numerous associates, like the old Catholics of modern Germany, stood firm in their protest against papal control of temporalities, and steadily denounced the corruptions of the papal court. They ministered in many churches and regularly performed their pastoral duties in a spirit of humble but faithful devotion. It is not possible to form any estimate as to the number of their adherents, but their flocks were at least as numerous as those of the conforming Ultramontanes. Like Grégoire, they asserted their Christian faith in season and out of season. To the hail of calumnies rained upon them they answered nothing and went their quiet way, enduring every form

of persecution, even to martyrdom, without flinching. They were neither irascible nor contentious.

The Jacobins brought the charge against them of seeking to "christianize the Revolution" [1] as a crime. They gloried in it, and from among the most violent radicals made converts not a few. Those very persons later on became blind devotees, and lived to throw in Grégoire's face the reproach that he had remained "too much a republican." Throughout the reign of cruelty and delirium Grégoire and a few faithful friends regularly attended the sessions of the Convention, noting every turn and coolly awaiting their opportunity. It could not long be postponed, and the Bishop of Blois finally revised the discourse he had long since prepared on liberty of worship. The organ of the Constitutionals, "Annales de la Religion," remains in several files to witness their high character taken as a body. The leader and his forces were ready for the coming emergency.

Unfortunately, no historical generalization is strictly true. The madness of radicalism, whether atheistic or deistic, was not fomented in direct ratio by the menace from without to French national life and independence. By the middle of 1794 the national existence was not in any degree threatened. Civil war in the west was temporarily ended by the exploits of Kléber and Monceau in the Vendée; the federal and royalist insurrections of the east and south were crushed in the victories which culminated at Toulon. The foreign invaders had been driven over the Rhine, and Alsace was safe. Yet there was no end to radical ferocity. Like Kronos in the fable, the Revolution had successively swallowed its children; the orthodox church, the Erastian Constitution of the Clergy, the irreligious Danton-

[1] Mémoires, II. 52.

ists had all been engulfed in chaos. One single feeble guarantee of personal safety and liberty remained: the revolutionary tribunal still demanded written proofs and living witnesses, at least in form, for the condemnation of those haled before it. On June twelfth (24 Prairial), by Robespierre's behest, this one slender safeguard was swept away, and, as has been said, a new Terror was organized within the old. This did not pass unnoticed by guilty souls; the affair of Catherine Théot opened wide the door, Thermidor was the result. Once again chaos engulfed its own, and left nothing but a last vile remnant behind.[1]

The Thermidorians were a degraded sort of Robespierrists: Tallien, Barras, Fréron, Merlin de Thionville, Fouché, Thibaudeau, Barère were the leaders. They ended the Terror in Paris, for the prisons were gradu-

[1] Scattered throughout the ninth volume of the Acts of the Committee of Public Safety may be found letters from the conventional envoys in the provinces which indicate a certain cowardice on their part when brought face to face with the genuine piety of the people. Their ruthless efforts to "dechristianize" were in many places fruitless. Churches were kept open, the services were fairly regular, the church bell rang. In one case the populace rose in frenzy against the agents of the Convention, and forced them to drink holy water. Even when the civic festivals were celebrated, Te Deums were chanted as part of the programme. It is not entirely clear whether these Catholic heroes of the provinces were Constitutionals or Ultramontanes, but it is certain that, while some effort was spasmodically exerted to treat the former with a fair consideration, in the main no distinction whatever was drawn. The priests of both camps were regarded as fomenters of sedition, and under the plea that in most cases, at least, religious assemblies were subterfuges for the meeting of traitors, the Convention agents, wherever they dared, included in their denunciations all priests, not excepting Protestant ministers. While it is true that the avowed policy of the Convention, as stated again and again on the floor of its hall, was intended to be conciliatory to all Frenchmen of any and every faith, it is equally true that it was only under intimidation that its agents were actually fair-minded and moderate. Their violence was boundless, their watchword was the dangerous phrase, "public safety."

ally delivered, and the guillotine at once ceased from the shedding of blood. But while in political matters they quickly divided into a right and a left, yet in religious matters the whole party was revolutionary to the core, and not a single one of the Draconian statutes against religious liberty was repealed. The force of circumstances compelled a grudging moderation. The Jacobin club was closed until it purged itself and disavowed Robespierre; renewing its sessions, it soon again exhibited something of the old fierce radical temper, and was permanently closed. In the irreconcilable commune of Paris was substituted for the old a new police administration composed of chosen moderates. The radical representatives of the Convention who had been sent to control the armies in the field and to oversee every department of local administration in the land were replaced by new men. The terrible revolutionary central committee was completely reorganized. The old system remained in form, but was thoroughly changed in character. This so-called revolutionary government survived until the Convention was replaced by the Directory.

The moderates or revolutionaries who had formed a coalition with the extreme radicals of the Mountain, the former terrorists, now struggled continuously for mild measures, and were finally successful. But they had always to reckon with the embittered fanatics, and their progress was slow. Beyond the limits of Paris the prisons remained gorged with hundreds of priests, juror and nonjuror alike, doomed to transportation; thousands more were under official supervision. For more than a year the prisoners were subjected to every form of indignity and persecution, kept in close association with the vilest criminals, starved, manacled, and even executed without process of law. Within a

few months nearly half of the poor victims were dead under the agonies of suffering to which they were doomed.

But the martyrs were no longer without advocates in the legislature: once more and with glowing logic the noble Grégoire began to plead the cause of religious liberty, nor did he feel the slightest tremor before the yells and execrations of the bedlamites among the deputies who opposed him. His one repeated cry was for complete liberty of thought and worship, a total emancipation of religion from the tyranny of the state. His most powerful effort was that speech which he had ready for the decisive moment. It was delivered on December twenty-first, 1794, and immediately thereafter widely distributed throughout the country in pamphlet form.[1] The contents of this document reacted vigorously on public opinion, and finally served to cement the elements of a sane and wholesome feeling for thorough reforms in existing conditions. In February, 1795, from about four hundred priests who had been imprisoned in the departments less than a hundred survived, and these were liberated.

In the introduction to his pamphlet Grégoire declared that, having been calumniated in the past for insisting on toleration for Jews, Protestants, and Anabaptists, he had vowed to denounce all oppressors, and that none were more intolerable than those who, having applauded atheism at the bar of the Convention, could not forgive a man for holding the same religious principles as those of Pascal and Fénelon. Soon after he issued a pastoral of the same tenor, advocating the reëstablishment of worship. As a result of his agitation, the fanatical radicals found no support for their

[1] The text of this speech may be found in Gazier, Histoire Religieuse de la Révolution Française, p. 341.

indignant protests. With Paris thus in equilibrium, the departments soon made themselves heard, and Boissy d'Anglas, Protestant by origin but infidel by profession, demanded, in the name of the three all-powerful committees—of Public Welfare, of General Safety, and of Legislation—that "all citizens be permitted to worship with whatever ceremonies their own taste and judgment approved." He mercilessly exposed the errors of persecuting atheism, and it was finally decreed, on February twenty-first, 1795, that all public support, pensions, salaries, or the use of public buildings, be withdrawn; that within such edifices as were set apart for the purpose all forms of worship should be unmolested.[1]

Formally this law was not to be interpreted as conflicting with that which required the oath to maintain liberty and equality; this was very significant, since it maimed the principle and left a vent for the persecuting temper of the radicals. But otherwise it was a remarkable statute as regards its language. Would that it had expressed the national purpose! Its short-lived validity accomplished something, but the ineradicable propensity of mankind to unload every burden possible upon the social organization was, and is, nowhere so strong as among the French. It is the most dangerous survival of the primeval curse. Yet France was passionately eager for momentary relief, and ready, for the sake of a respite from galling fetters, to abandon the public crib for a time.

Referring to the principles laid down in the Declaration of the Rights of Man and in the constitution, it was enacted by the decree that all worship should be unmolested and might be celebrated, at the cost of the participants, in places without external marks of distinc-

[1] The text of this law is most accessible in Gazier, p. 255.

tion, hired by the congregations occupying them. There was to be no ecclesiastical garb, no public ceremony, no public summons to any exercise. Every gathering was subject to state supervision, but only for the guarantee of public safety by the police. This was another phrase destined to notoriety in the next epoch. One of the most striking paragraphs of the decree forbade the accumulations of endowments for the support of worship. France had seen the disasters consequent upon mortmain, secular and ecclesiastical; the Convention was grim in its determination that they should not again overtake remote generations.

As a consequence of this remarkable series of enactments, persecution did not cease even for a moment; wherever it was possible, the Jacobin authorities stood on legal technicalities, which were easily discoverable among the swollen volumes of legislation enacted by the irresponsible revolutionary assemblies; contradictions were on every page, and the most wary could not avoid the innumerable pitfalls.

Thus ostensibly was accomplished in theory what had been the aim of a few careful observers and profound thinkers for years past: the divorce of state and church. To this hour it is claimed that the Revolution actually inaugurated religious liberty in France, and that wicked men overthrew the beneficent institutions erected to protect it. The matter is worthy of careful examination. The impulse to this momentous act was complex. We have noted the poet call of André Chénier and the prophetic fire of Grégoire. Both might have had no results except for the entanglement in the finances caused by the course of ecclesiastical legislation since the Revolution began its course. Of all the denominational and sectarian fragments that have been enumerated only one had a legal standing

—that of the Constitutionalists. Its adherents could, as public functionaries, demand pay from the treasury; but so likewise, after Thermidor, could almost every priest, monk, and nun, for under one legislative body or another to each and all had been promised pensions.[1] To be sure, there was in every case some restriction or other in connection with profession and conduct, but proof was impossible, and the clamor would soon be intolerable.

Besides all these obligations, both atheistic and deistic ceremonies had been elaborately celebrated at the public expense, and it was morally certain that the ministers of the secular cult, which was determined to make itself national by forcing the observance of the national ten-day festival, would likewise demand support from the nation in whose interest they would so ostentatiously be working. All this expense the budget could not support, and Cambon, on September twentieth, 1794, brought this fact to the attention of the Convention. Exasperated with Robespierre, the Thermidorians, radical and moderate, were well dis-

[1] We have indicated elsewhere that the entire clergy had in one of two forms been promised a measure of state support. Those who were displaced by the confiscation of the ecclesiastical estates and the working of the Civil Constitution were to receive pensions, others a salary. On September twenty-seventh, 1792, pensions were fixed at a thousand livres; the salaries varied according to provisions of the law. But on the plea of suspected disloyalty, the Convention, in September, 1793, reduced the salaries of bishops to six thousand livres and abolished all the vicariates, pensioning the incumbents with twelve hundred livres. When recanting grew common the apostates were also pensioned with twelve hundred livres. But financial stress put an end to all payments whatsoever for pensions or salaries some months before the revolution of Thermidor. It was because of the demands made by the Constitutionals, who had still a legal claim, that Cambon suggested finally the complete separation of church and state; the measure had no relation to the convictions of radicals, philosophers, or even the moderate reformers; it was purely a matter of public economy.

posed to reject whatever he had advocated, and a national religion with functionary ministers in state pay had been his pivotal doctrine. Hence, for the moment all conflicting elements could unite in nullifying the Civil Constitution of the Clergy and the disestablishment of the church. It was the fixed conviction of the few and the sense of expediency felt by the many which enacted the famous decree we are discussing, best known as that of 3 Ventose, year III.

Nevertheless, in general the effect of the Ventose decree was electrical. Chapels were opened to throngs of worshippers both in Paris and in the departments. In April the Convention signed a treaty with the Vendean rebels, and at once worship was restored in the churches throughout the western districts. For the most part there was no opposition; but in places where radical Jacobins were numerous a few successful efforts were made to restrain the priests by fine or imprisonment, on the ground that they were desecrating the republican calendar and defying the republican laws. In truth, the situation was in theory most abnormal. The Civil Constitution had not been formally repealed; the churches had not been legally reopened. There was great uneasiness, therefore, among the Constitutionals and their supporters.

By a supplementary decree of 11 Prairial (May thirtieth, 1795) all churches which had not been sold were restored to the communes, to be used as halls of assembly for all purposes, including worship, and no priest was to officiate who had not taken the oath. This gave great comfort to the Constitutionals, and virtually perpetuated their organization. But there arose even greater confusion than before; it was in the churches that the Décadi was celebrated. This was a desecration. It had been the intention that the celebra-

tion of the Décadis should be essentially secular. There were to be, and already there were, lectures on such themes as "civism," the culture of the potato, the nature of the constitution, and so on. Even the radicals felt the intolerable tedium of such performances—a dreariness not relieved in the slightest by the singing of national songs, as was ordered. Boissy d'Anglas wildly suggested that the ceremonies should be enlivened and made interesting by the presentation of a rose to innocence, or similar naïve parodies of worship. Chénier boldly advocated the further evolution of great national festivals, and calls were made in the sessions of the legislature for the speedy accomplishment of the work. One deputy absent in the provinces noted with dismay the religious revival, and demanded a radical cure, partly by public instruction and partly by the tenth-day feasts. A formal bill to this effect was presented in January. It was nearly a year before the civic banquets and festivals were organized. They were predestined to failure because the popular feeling had rebelled against all the republican-democratic innovations which they typified. Many already understood that such devices were hollow and of no avail.

Recognizing how abhorrent to nature even a religious vacuum is, the radical sectaries were busy organizing the so-called religious movement, in the national interest, of which we have spoken. It was to be styled Theophilanthropy, and its inventors desired to retain general observance of the tenth day, in order to render truly national their contemplated absurdity of a cult. These spurious religionists and the so-called patriots in general wished to quench "the reviving fanaticism," and in order to gain time and place for their own plans desired a penalty of six months' imprisonment to be imposed on any one reëstablishing worship in the

churches. They made some headway on the ground of "public safety," but the victory over the uprising of 1 Prairial (May twentieth, 1795) reassured the Convention as to the reality of its power; and Lanjuinais, citing the example of Vendée, proposed and had enacted a decree which reopened such churches throughout France as had been in use before the second year of the Republic (September twenty-second, 1793).

This law was passed on September twenty-seventh, 1795. It subjected, "in behalf of public security," all gatherings for worship to the oversight of the police, and forbade all attempts to restrain liberty of conscience or interfere in any way with any form of worship whatever.[1] It required but a single guarantee, namely, that every minister of religion should affirm: "I acknowledge that the totality of the French people is sovereign, and I promise obedience and submission to the laws of the Republic." Although in this there is a complete acknowledgment of secular supremacy, yet it would seem that, even including the last clause, it would, if generally obeyed, have secured a free church and have inaugurated the voluntary system of support.

But this last clause, though generally acceptable and accepted in Paris as a mere recognition of the powers that be, proved a stumbling-block to the clergy of the departments. Their recalcitrancy led to further obscurantist legislation, which soon eclipsed all the light shed by the Convention on the problem of complete religious liberty. The Abbé Émery pleaded, as head of the archiepiscopal council, and pleaded earnestly, for submission without approval, as priests perforce must

[1] These phrases of "public security" and "police power," first used in the decree of Ventose and repeated here, were destined to be pivotal to Napoleon's Concordat.

do in Protestant and Mohammedan countries. But, as he admitted, the fewest ecclesiastics had even rudimentary ideas of political jurisprudence, and the rest refused all compromise or conciliation. In the west numerous nonjuring priests made formal reservation of their religious principles and complied with the law, though they refused to officiate in buildings used by the jurors, as being temples defiled. The officials accepted this solution because already the mutterings of further insurrection were audible. But in Lyons the Convention agents demanded compliance without reservation, though they winked at a wide-spread reopening of churches without any formal assertion of principle by the vicars and curates.

Possibly some arrangement might have been reached throughout the country in varying compromises suited to the respective localities. But a royalist expedition, outfitted in England under Pitt's auspices, landed at Quiberon only two short months after the pacification of Vendée, and with it were forty priests, led by the emigrant Bishop of Dol. The invasion was momentarily successful, but Hoche suppressed it with pitiless severity, and by order of the Convention seven hundred persons, including sixteen priests, with the bishop and his coadjutor, were shot on July thirtieth, 1795. Simultaneously the government claimed, and probably with right, to have discovered a wide-spread conspiracy among the ecclesiastics for the restoration of royalty and Catholicism as held by the Ultramontanes. Certain it is that the "refractory" priests throughout France continued to treat their conforming brethren with contempt, descending even to scurrilous and fierce attacks, written and physical. Emigrants, too, began to reënter France from all directions, inciting their friends and such others as they

could influence not only to restore royalty, but to massacre the representatives of the people—all, they asserted, for the greater glory of God and the safety of the republic! To this end there was a series of bloody and successful efforts, fuller mention of which is best made in another connection, at Lyons, Marseilles, Nîmes, Tarascon, and generally throughout the south.

This shocking and shameful conduct of the clericals and the clerical factions was met by a fierce rebound on the part of the radicals. On September sixth the Legislative Committee issued a series of rescripts in which recusant priests were forbidden to reënter France under pain of banishment. Those still resident who refused the declaration under the law of Prairial were to be imprisoned. Every conceivable check was devised to bring recalcitrants to terms. Any one who promulgated any document emanating from a minister of religion not residing in France (the Pope) or his delegate was to be imprisoned, and any person advocating royalty or the betrayal of the republic was to be imprisoned for life. Even censure of measures already taken to regulate ecclesiastical affairs was to be punished by fine or imprisonment.

This pronunciamento was received by the clericals with a dismay paralleled only by that with which they had received the Civil Constitution of the Clergy, and fierce dissensions split their ranks. The moderates, under the leadership of the Abbé Émery, held up the past folly of those who had refused the earlier test of mere submission to the laws. As to the phrase of "sovereignty residing in the universality or totality of the French people," the leader declared that he could and did accept the statement as a fact, though he could not support the implied theory; moreover, the most orthodox Roman publicists of comparatively recent times, he

said, had even maintained the statement as a thesis—men like Suarez, Salmeron, and Navarre. Discussion raged and bitterness supplanted all Christian charity until even the archiepiscopal council was sundered and the ranks of the clericals shattered. Schism was universal and complete. The most stubborn reactionaries held together in a small group known as the "Little Church."

Once more the royalists and discontented of every type drew together into a formidable coalition against the Convention, and once more the rebellion was ruthlessly suppressed by an army. In the conflict of October fourth, known as the Day of the Sections, a shrewd, intelligent, observant adventurer, an officer already of some renown in the revolutionary armies of France, was the man of greatest importance. It was on that day that Napoleon Bonaparte was launched on his grand career.[1] Meantime, with strange fatuity, the political theorists had concocted another idealistic constitution, providing for many details of government far removed on the one hand from radical concepts, and on the other from the political habits of the people. It, too, was abortive even without the short trial of life it was destined to have, because it rested on military force for its basis, and no civil constitution can stand unless it be the expression of strong general conviction and of habits both political and social. Since blood had filled the gutters of Paris through the intrigues of reactionary priests but lately returned to France, the Convention, on October twenty-fifth, ordered that all laws against such should be put into execution within twenty-four hours. On October twenty-sixth, after extend-

[1] An admirable study of this "Day" may be found in the Bibliothèque de la Faculté des Lettres de l'Université de Paris, Vol. VI. Zivy, Le Treize Vendémiaire An IV.

ing amnesty to all except the plotting priests, it handed over the reins of government to the most feeble and contemptible administration ever set to rule a great country—that of the Directory.

The earliest acts of the executive committee which now wielded the sovereignty were an effort to exhaust the scanty forces of the disheartened, disintegrated, and prostrate Church of Rome. Persecution was renewed with frightful bitterness, and in the effort to discountenance worship the ringing of church bells was prohibited. In this way the church bell became the shibboleth of parties.[1] Fighting and strife were openly renewed in many quarters. Within a few months twenty-six priests were done to death, with or without what was called due process of law. The new constitution was so far anti-radical as to provide for two houses in the legislature. In the lower one, where Jacobinism was rampant, the most extreme measures were passed; the older, graver men of the upper one threw them out on the ground that they were a breach of solemn promises, and would surely rekindle the flames of civil war. Count Portalis, ere long to exert a paramount influence, pleaded vigorously for religious toleration. Recalling the prediction of Rousseau, that philosophers, once in power, would become more relentless persecutors than the ecclesiastics, he proved conclusively, in an eloquent speech, that liberty of con-

[1] All the contemporary records abound in discussions about the church bell. One which is perhaps as short and enlightening as any may be found in the Moniteur, June seventeenth, 1797, No. 269. Said Parisot, one of the debaters: "You cannot conceal from yourselves that almost the totality of the French people professes the Catholic religion. I do not see, therefore, why you should forbid the common means of calling the citizens to worship. It was formerly used, and is still used for public assemblies." Several members cried: "These assemblies are constitutional, religious service is not." Amid tumult the meeting adjourned.

science was the only remedy for fanaticism. Within a year and a half public opinion throughout the country veered once more, officials grew timid, the measures of the Convention were not enforced, and by 1797 one of the five directors (Barthélemy) was a royalist, while a group of intelligent, moderate men in both houses controlled legislation, against a majority of radicals in the lower, against a minority of the same in the upper. The dominant force was a body of moderate republicans and royalists combined in the upper house.

XIII

ULTRAMONTANE FOLLY

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FOR the period of three years, from 1792 to 1795, the resources of France had seemed boundless; in her supreme effort of self-defence the superbly inexhaustible reservoirs of nature's primeval forces were apparently at her disposal. Under the republic the nation had been unified; out of raw plebeian material had been created a resistless army, generals by the score who were the peers of Turenne, of Luxembourg, of Tallard, diplomats superior to Mazarin or Barillon, administrators who could vie with Colbert and Louvois. At Bâle the European coalition against her was disbanded, the national frontiers of ancient Gaul were secured, and the cherished policy of natural boundaries which the monarchy could flaunt only as an ideal was now brilliantly realized. Though Great Britain and Austria were implacable, yet the one seemed exhausted and the other contemptible. Finally, in the constitution of the year III. a new system of European public law was announced, for thereafter France was to remain what she had become by an unpremeditated conjuncture of circumstances—a republic.

But in erecting the political structure known as the Directory the social structure of France was disregarded and its religious conditions ignored. From 1789 onward the successive phases of political and social change had been marked by convulsions euphemistically

known as "Days." These exhibitions of mob violence were steadily growing more frequent. The Convention had been forced to identify itself with the Paris riots of May thirty-first and June second, 1793; it had succeeded in suppressing the hostile insurrections of the south and west by its citizen armies. Under the Terror its difficulties were intestine, and Thermidor was a reaction. But no sooner were all the factions reunited in Paris than the Days recurred with ominous celerity.

The Day of 12 Germinal (April first, 1795) overthrew the surviving terrorists; the Day of 1 Prairial (May twentieth) and its successors virtually exterminated them. The prisons of France were now gorged with radicals, as they had been formerly with royalists.

A new Terror reared its awful head, and in the southeast its excesses were ghastly. Organizing secret associations, under the style of Companies of the Sun, of Jesus, of Jehu, the Ultramontane party formed again like magic, many emerging from their retreats on French soil, many of the emigrants reappearing as if from the regions under the earth.[1] At Lyons and at Roanne they made a general jail delivery of the republicans and massacred all. Brought to trial, the assassins were triumphantly acquitted, and hailed by the populace as heroes. At Aix the prisoners were tortured with horrid barbarity and then murdered by royalists from Marseilles. The fort at Tarascon was broken open by a band of armed men, and the prisoners were flung into the Rhone. The workmen of Toulon rose in defence of their republican faith, and a royalist army, drawn together with almost preternatural celerity, overwhelmed them completely, showing no quarter. The final scene of this short and awful

[1] Rapport de M. J. Chénier à la Convention. Moniteur, An III., No. 279.

carnage was the murder, on June fifth, 1795, at Marseilles, of all the republicans incarcerated at Fort St. John.

This carnival of murder was the White Terror. It had political significance only in so far as the irreconcilable ecclesiastics instigated it, identifying themselves with the royalist revival and with monarchy itself. Simultaneously the Comte de Provence, then at Verona, announced that Louis XVII. having died in the Temple on June eighth, he himself now reigned as Louis XVIII., and would restore the old regime. This and similar acts were most ill advised from every point of view, for even the most ardent royalists were by this time aware that in the new era Constitutional monarchy and a reformed church could alone have any chance for life. There was a distinctly noticeable anti-royalist reaction both in Paris and in the departments.

Thus encouraged, the Convention had taken heart, and on the Day of 13 Vendémiaire, year IV. (October fourth, 1795), the most famous Day of all, the Day of the Sections, it suppressed, by a detachment of its invincible army, a mutiny in Paris caused by an ever growing distrust of the Convention in general, in particular by the Convention decree requiring two thirds of the next legislature to be members of the existing one.[1] This use of the army was a new departure, and the Directory took the lesson to heart. It was a Convention army which "pacified" Vendée; it was the prestige of a Convention army which suppressed the communistic revolt of Babeuf, and it was the ruthless work of another which accomplished the Jacobin revival on the Day of 18 Fructidor, year V. (September fourth, 1797). Still another Day, that of 22 Floréal, year VI. (April eleventh, 1798), was carried through by

[1] Zivy, Le Treize Vendémiaire, p. 15.

the awe of the military as incarnated in Bonaparte, then present in Paris. The legislature was at one stroke purged of some sixty radical democrats who had been duly elected. By this time the system of the Directory was thoroughly discredited, for military force was now manifestly paramount in politics.

The elections of the year VII., though peaceable and regular, were profoundly influenced by the failures of the Directory abroad. Jourdan's army had been defeated and driven back across the Rhine, and, as indicating a wide-spread contempt for the republic, the French plenipotentiaries in the Congress of Rastatt had not only been overwhelmed with obloquy, but, as the sequel proved, were in danger of their lives. Hence the new legislature was distinctly unsympathetic with the new constitution. By the menace of exposing its inefficiency the wretched Directory was delivered to its enemies, and by them thrown into a panic. The Day of 30 Prairial, year VII. (June seventeenth, 1799), saw the withdrawal from the Directorate of its two sincerely republican members—Merlin, under the charge of a disgusting Machiavellianism, and La Revellière-Lépeaux, under that of attacking liberty of conscience in order to favor Theophilanthropy. The charges are as significant as the fact of withdrawal. One is of immorality, the other of irreligion. Once more it seems as if the political condition of France was determined by religious forces.

In any case, there was a gradual and permanent rearrangement of social elements. The moderate republicans and royalists of the new type alike favored some form of constitution which should be really expressive of the new French temper, symptoms of which could now be seen. These symptoms were, in fact, not merely visible, they had already brought into promi-

nence a class of men which was effectively asserting its power. That power was based in the sad experiences of so-called religious liberty under the contemptible and impotent Directory. Its inefficiency in war and diplomacy was of a piece with its impolitic and feeble conduct at home. This fact had deeply impressed the politicians destined to sway the men of the coming generation. The most trustworthy of this class were Camille Jordan, Royer-Collard, Boissy d'Anglas, Portalis, Pastoret, Siméon, and Barbé-Marbois; Barthélemy and the great Carnot, though less active, were not ill disposed to the strivings of their colleagues.

Some of these men—Royer-Collard and Camille Jordan, for example—were newly elected, and had taken no share in the fiercer strife of the Revolution. The latter, in an epochal oration[1] delivered on June fifteenth, 1797, began the movement of transition by an attack on the entire legislation of the successive assemblies, National, Legislative, and Convention, which, together, in feverish precipitancy, had in six years enacted no fewer than fifteen thousand four hundred and seventy-nine laws! With clarion call he demanded a revision of the statute-books, based on the firm foundation which was now laid—viz., the national consciousness of right and wrong. Declaring that religion should no longer be proscribed, but protected, he reiterated the solemn promise that worship should be free in France. In his peroration he called for the restoration of all the outward symbols of faith, including the church bell. These, he declared, spoke to the popular heart and evoked the noblest sentiments of mankind. The step actually taken in consequence of his plea was to abrogate all the penal laws against the clergy and restore them to citizenship without exacting any decla-

[1] Moniteur, June twenty-second, 1797. (An V., Nos. 274 and 275.)

ration of conformity to the law of Prairial. It was held that because the priests were no longer functionaries paid by the state they were not bound to measures not applicable to all citizens.

This remarkable result was, however, achieved in part by the fire and eloquence of Royer-Collard. His speech was doubly interesting because he already predicted that for the restoration of public order some form of concordat was essential.

The prospects for true reform were thus most promising, but once more the good work was undone by the incredible temerity of the intended beneficiaries. The proscribed classes, clerics and laics, reappeared, as has been previously noted, by thousands and tens of thousands. They were not content to live unmolested, but pushed the fact of their return into public notice by every form of effrontery—vaporing, boasting of their intentions, and even announcing the return of the Bourbons with the old system. The White Terror, although elsewhere the excesses were not comparable to it, was only one exhibition of their ferocity. Thus moderate republicans and royalists were alike checkmated in the fulfilment of their intentions; the radicals secured the ministry by the violence of the Ultramontanes, and with the aid of the army—an army now commanded not by Bonaparte, but by his lieutenant, the fiery Augereau—on September fourth, 1797 (18 Fructidor), coerced the two houses of the legislature. Augereau had boasted, though without foundation, that he was sent to Paris to "kill the royalists." There may have been a grain of truth in his statement, but Bonaparte always practised a specious reserve in speaking of Fructidor. In view of the succeeding events and the work of the 18 Brumaire (November ninth, 1799), no one can doubt the measure of his foresight; the former day, however, was

the victory of a cause, and the latter was the victory of the man.

The religious consequences of Fructidor were immediate.[1] The legislature reënacted the terrorist laws, and demanded from all officiating ministers an oath still more radical than the last—"Hatred to royalty and anarchy, attachment and fidelity to the republic and to the constitution of the year III." This oath the juror priests could easily take, for to them royalty was a monstrosity; but the nonjurors, almost to a man, recoiled. A certain number of the recusants, perhaps a majority, finally yielded. This was due to an official declaration plausibly representing that in the language of the oath there was no reflection on the person of kings; this must be so, for the republic was constantly transacting business with them; the words were aimed against the reëstablishment of royalty and monarchical government in France.[2]

But compliance was of no avail; the motto of the Fructidorians was "Thorough." Encouraged by the turn of the weathercock at Paris, Jacobin demagogues at once came out of their burrows in every district of France. The rural governments, based on popular choice, were overthrown; elections were either cancelled or suspended; the primaries were by subdivision adroitly surrendered into Jacobin hands; the radicals seized every office. The proscription of religion advanced with equal step, and this time priests were arrested, imprisoned, and transported, not under the standard charge of being traitors to the state, but avowedly as the agents of an abhorrent superstition. The guillotine was not set up again, but the church bell was

[1] Mallet du Pan, Mémoires et Correspondance, II. 320 *et seq.*

[2] For an idea of how the oath of hatred to royalty was ruthlessly forced on all the deputies, see the Moniteur, September fourteenth, 1797. (An V., No. 357.)

once more prohibited; the celebration of Sunday as a holy day was made almost impossible by the pains of persecution; the celebration of the Décadi as a religious festival was pronounced imperative, and recalcitrants were arrested by hundreds upon hundreds. The most refractory of the priests were treated like criminals, and sent in shoals to the penal establishments at Oléron, Rhé, and Mont-Saint-Michel; the overflow of these jails was banished to the torrid shores of the Sinnamari, a fate worse than death, because (and this is but one example out of many) from a single consignment of exiles, between four and five hundred in number, only twenty survived their cruel sufferings for six months. This death-rate was not exceptional in similar instances.

The most impenitent advocates of what they themselves persistently styled tolerance and philosophy had by this time realized what they had already feared—that in religion, as in physics, nature abhors a vacuum. Accordingly, they made ready to bring into full prominence what was already prepared in theory, the fledgling sect of Theophilanthropy. They acted vigorously, with a view to substituting that strange congeries of dogma and ritual in place of Roman Catholicism as a state religion. In their opinion there was urgent need. Thirty-two thousand churches, as estimated by Grégoire, were open for worship. The ministers were in part the old Constitutionals, in part the new conformists. But far and near worship was celebrated in one way and another. Moreover, the Constitutional bishops had entered on a path of moderation and wisdom, suggesting methods of organization and procedure for the Gallican Church which it now seems, and seemed to some of their contemporary opponents, should have appealed to every right-minded Roman Catholic. They

had issued two important and sensible encyclicals; then, assembling in a national ecclesiastical council at Notre Dame, they likewise addressed Pius VI., begging for his assistance and advice. To their prayer his ear was deaf. Equally so were the mass of nonjuror brethren to whom they turned beseechingly for reconciliation and harmony. For the most part the initiative and form of these measures were the work of Grégoire.

Due tribute must be paid to both branches of the Roman Church during the closing years of the revolutionary epoch, at least for sincerity and perseverance, if not for wisdom. Both were fearless and both desired the welfare of true religion. The Ultramontanes suffered persecution and martyrdom like saints, sacrificed all worldly advantage with true heroism, and neglected not a single opportunity, even the most troublesome or secret, to observe their ordinances and celebrate their worship, in the teeth of an opposition which was fanatical and terrible. They retained some form of organization throughout; with full liberty they would have been completely successful. On the other hand, the Constitutionals avowed their devotion to republican institutions and sought the restoration of religion in consonance with them. They were no less zealous and self-sacrificing. They were glad to be freed from state control and state support. They likewise renounced papal supremacy as a binding dogma, and instituted a semi-presbyterian form of organization. The faith of their adherents was kept alive and fervent by frequent revivals. Their able journal ("Annales de la Religion") secured unity of thought and action; the clergy and laity alike inculcated and practised a strict morality. The clergy were simply indefatigable; with scarcely an exception, they lived meanly and practised a rigid economy. A typical example of

this is a touching incident, told by various authors, of how, when a venerable priest was found mending his old black stockings with white thread, and rallied upon the fact, he could see nothing extraordinary or curious in his expedient. Like their refractory brethren of the Roman cult, the juror priests neglected no opportunity for public worship or pastoral service, baptizing children, performing marriage ceremonies, and burying the dead, all with courageous defiance of every petty annoyance and public opposition.

In the council of 1797 the Constitutionals, as they still were called, though of course the Civil Constitution was no longer operative, took the last step of reform. They reorganized their church on the basis of a complete voluntary system under the law of Ventose. With the broadest charity, they recognized the standing of every minister, no difference what his attitude toward public questions had been in the past. Deploring schism, they called on the Pope to confirm them in their assertion that the briefs of 1790, 1791, and 1792 had been apocryphal, and promised in advance to submit themselves to the decrees of an ecumenical council, which they begged him to call right speedily. In a second council, assembled in 1801, they went further, and made careful preparation for a complete reorganization of the entire Gallican Church on the broadest lines. In 1798 there were forty-six of the Constitutional bishoprics vacant. By herculean efforts all but fifteen of these were quickly filled. It seemed as if the fragmentary organization might be completed, but the Concordat cut short the labors of this council almost before they were inaugurated.

To us it appears that the bitter antagonism between the two warring camps, each claiming to be soldiers of the cross, ought in this period to have been obliter-

ated before a common foe. France was utterly demoralized. A mad passion for pleasure now dominated society. Every vice was rampant. The family as an institution was almost disintegrated under the law of marriage and divorce. Designing infidels had convinced the masses that, like spurious ecclesiasticism, Christianity itself was incompatible with democracy. The papacy, alas! was impotent. Pius VI. was personally an excellent man. He was the representative of a power ostensibly moral, but, if so, strangely sapped by the decay of its temporalities; the foundation of sand was slipping away, the edifice itself was crumbling before an implacable foe, and the spiritual forces inherent in the ancient institution could not be rallied either to moderate the implacable or to stimulate the wavering.

Meantime the secular authorities were busy adopting and enforcing stringent regulations for the observance of the Décadi by cessation from work and trade, and for the relegation of Sunday to labor or amusement. The decrees were as stringent as they could be drawn. By those of August and September, 1798, business, public and private, could not be transacted on the Décadis. In the public hall or church the magistrates were on those days to make all official announcements, celebrate marriages, grant divorces, and register births and deaths. All school-children were to attend these edifying exercises, and, as a relief from the tedium, they were to have games and sports thereafter. If any preferred the ceremonies of the church, they were denounced as so far unfaithful to the republic, and a strict watch was kept on all who were irregular in attending the official secular meetings. The nonjurors proved utterly recalcitrant; the former Constitutionals complied occasionally, through fear, but in the main

they, too, disobeyed. Grégoire denounced these decrees from his seat in the hall of the Five Hundred (or lower house) in a fierce arraignment of the public good faith, for he recalled that the new calendar had been adopted purely as a civil matter. All efforts, therefore, to enforce it as a part of religion and to discourage Christian worship on the regular day were clearly an attempt to treat one, and only one, religious society as an exception. His sentiments were applauded by all Christians. To those who were bent on the complete "laicization" of France it was plain that threats and blandishments were alike ineffective. For the moment the two warring camps of Roman Catholics were firmly united in a common resistance. There were now only two political parties, and it was disastrous that at bottom royalists and republicans were separated by the religious question. The former adopted as their battle-cry: "The king and religion."

A phenomenon so strange quickly and easily brought the theophilanthropists into temporary prominence; this was exactly the crisis they desired; for they alone, it was claimed, repeated, and asseverated, could abolish Sunday by substituting for the dry and meaningless harangues or proclamations of laws by which the Décadis had hitherto been and still were to be celebrated, a veritable religious observance from which no man, not even the atheists, should be excluded. The amazing and preposterous monstrosity of Theophilanthropy, which was to work this miracle, is traceable to the deism of Robespierre. Its parent mind was that of a wild enthusiast named d'Auberménil; its sponsors were a number of apostate priests, and its promulgator was a certain hack-writer named Chemin. Only a few men of eminence were associated with it—Dupont de Nemours, Marie Joseph Chénier, Bernardin de Saint-

Pierre, and the painter David. Two others of less note, Roederer and La Revellière-Lépeaux, were its active supporters. Its official publications were a manual, a ritual, a religious year-book, and some volumes of moral platitudes.[1]

The official style of the religious invention was "Institute of Morals." It was professedly organized to comprehend all that was oldest and best in the history of the world. On the feast day of Tolerance its devotees marched under banners inscribed with the names of all preëxistent religions, including one that never had existed, a cult consecrated to morality. Their first formal act was to hold a council in Notre Dame; the second was a schism, for a body of the original founders seceded, and, holding its sessions in the Church of Thomas Aquinas, denied the jurisdiction of the parent assembly.

Both sects, however, used the same ceremonies when met for the observance of the Décadis. In all their ordinances the directing high priest was the notorious busybody, the absurd member of the Directory named La Revellière-Lépeaux. He himself had no distinctive garb, and remained generally in the background. His assistants, however, had beautiful regalia. The officiating director of each local celebration was clad in white, with a rose-colored girdle. He stood on a dais,

[1] The original authority on Theophilanthropy is a short treatise by Grégoire, published originally in German: Geschichte des Theophilanthropismus, Hanover, 1806. See also Mallet du Pan, Correspondance, II. 368, and Moniteur, An V., 9 Floréal. The notice in the Moniteur declares that Theophilanthropy is not a sect, since it neither denies nor abjures the principles of any one! Mallet, p. 369, also notices a poster with which the walls of Paris were placarded by permission of the police, beginning, "Les hommes sans Dieu professent un culte: la vertu seule en sera l'objet." He asks, with great pregnancy of meaning, "Could other powers make a treaty with such a government?"

with bared head, opposite an altar ornamented with fruits or flowers, according to the season. Reciting an invocation, he paused, and the worshippers repeated his words in a low tone; then followed a moment of silent cross-examination. Thereupon one short homily after another was read or delivered, each on some topic of a moral nature. These were interspersed with hymns and chants, for the most part of high artistic character both as to words and music. There followed a number of prayers to the god of nature. The exercise was in each case limited to an hour and a half.

Special services were devised for consecrating infants, for funerals, and for marriages. In these last the pair used a ring, with a medal as a token of union, and were bound together by enfolding floral garlands; at interments a funeral urn, set beneath drooping palms, was the centre of interest; the corpse was kept elsewhere out of view. The high holidays, set apart for general observance, were in honor of Socrates, Rousseau, Washington, and St. Vincent de Paul! Such absurdities as these were little regarded beyond the walls of Paris; the only successes of Theophilanthropy without the capital were in Bourges, Poitiers, and the department of the Yonne. The sect had an unhonored career and a short shrift, for in 1801 the use of churches was forbidden to it, and on the withdrawal of government sanction the clumsy system came to an end. During its existence the so-called services might be held, and sometimes were held, in a church on the same day as Christian worship, provided, as often happened, that Décadi and Sunday fell together. Thus, in the same building on the same day would be three celebrations—that of mass in the morning, of the governmental Décadi service at noon, and of the theophilanthropists in the afternoon. Absurdity could go no further.

The general religious disorder was not relieved by a single focus of living force; there was not one fulcrum for the leverage of constructive power. Protestantism was scarcely alive. Paul Rabaud died in 1795, under the weight of years and suffering; of the pastors who had seen the opening of the Revolution but a handful of exhausted, discouraged men was left. The ranks of the laity had been continuously decimated by shameful apostacies, for the deism of England and Germany had reacted on them and sapped their faith. The Reformed Church knew nothing of the throes which shook Roman Catholicism, for after the action of the Constituent it was free; yet, almost the only faithful were either the plain people in towns like Nîmes and Montauban, who retorted on the violence of radicals and Catholics with blow for blow, or else the moderate and timid of the middle class, who nourished their faith in secret and took refuge from trouble behind an outward conformity. During the orgies of Hébert and Chaumette in honor of Reason the Protestants, like all Christians, were persecuted and terrorized. Many abandoned their faith and cause. The organization of the church was substantially destroyed. Spasmodic efforts to reconstitute the Protestant congregations were made under the Directory, and in some cases they met with success. It may possibly be said that there actually was an organized Protestant church when the Consulate came into existence, but it could barely maintain itself, and played no decisive rôle in religious affairs. Its seminaries were closed, its people disheartened, its pastors dismayed, its voice almost hushed.[1]

The complete disintegration of religious society was

[1] G. de Félice, Histoire des Protestants de France, p. 568. Boulay de la Meurthe spoke of the Protestants as having been completely absorbed in the liberal ranks. See his speech, quoted in Aulard, Histoire Politique, etc., p. 649.

reflected in the confusion of French life, social, civil, political, and even military; for the army, as reorganized under the republic, was in a high sense national. The contentiousness of the Fructidorians was a fatuous, but a fierce imitation of the wild savagery displayed by the conventionals. After Prairial the Five Hundred restored the Committee of Public Safety under the name of a "Commission of Eleven," authorized domiciliary visits, and, in view of the now imminent invasion of France, decreed the "levée en masse," that every able-bodied man could be drafted into the army. To provide funds the "class in easy circumstances" was summoned to furnish a hundred million francs, and the money was collected by a progressive land tax. To check the brutal excesses of the royalists there was enacted a hideous law, known as the law of hostages, whereby in every troublesome district all the relatives, male and female, of emigrants, nobles, and rebels were to be held as hostages; at every outbreak of the family culprit the entire body of hostages was to contribute five thousand francs as a fine, and four individuals were to be deported. It is well to remember that deportation was now a horror so well recognized that in common parlance it was known as "the dry guillotine."

Of course such frightful severity defeated itself. The "red spectre" of Jacobinism was not slow to reappear. Evading the laws against political associations, a so-called Jacobin club was formed. The members were avowed communists and anarchists, to such extremes had persecution driven them, and the government was forced to close their rooms after they had been in existence for something over a month. Of the royalist outbursts we have spoken in another connection. The law of hostages did not diminish them. Brittany, Poitou, and Normandy were almost as troublesome as the

south, and at Bordeaux the most formidable of all the uprisings openly shouted the significant watchword of "The king and religion." To such a pass had matters come—danger from without, anarchy within—that the multitudes longed for a deliverer. The circumstances which caused utter confusion both in religion and in politics were simultaneous and seemed to the million identical. The most dangerous of all shallow conclusions had been slowly forced on all Frenchmen except the few—to wit, that political reaction could alone save the cause of religion.

It is impossible to foresee what might otherwise have happened; but at this particular juncture the overpowering fact was Bonaparte's return from Egypt. Here was a deliverer. His prestige as regards the Egyptian campaign was enormously inflated. But at least, even though the turn had come and the French arms were already winning some victories, there was still a marked contrast between the reputed oriental conqueror and the discredited men of the Directory. Moreover, his relations to the papacy were in vivid contrast to theirs. Bonaparte's Italian campaign had been directed against Austria. In his successes the Directory saw an opportunity to destroy the papacy. The young general, on the other hand, was mainly actuated by strategic considerations, a desire to leave no powerful foe on his flanks as he pressed on to the northeast; he therefore entered into negotiations with the central and south Italian states, including the papal power, with that single object well in view. The armistice of Bologna (1796) was denounced when Pius VI. refused the terms of the Directory, but Bonaparte, on his own authority, renewed the negotiations through Mattei. The treaty of Tolentino (February nineteenth, 1797), though it stripped the papacy of its territorial strength

and its wealth, left the Pope a free agent to keep the implied promise he made that some arrangement between the two factions of the French Romanists and the republic in France should be considered and matured when the time was ripe; that social order should be restored, and the scandals of wide-spread debauchery banished by a renewed combination of the spiritual and secular powers. On August third, 1797, Bonaparte outlined the policy of renewing the Corcordat in some form by a letter addressed to Caleppi, the papal legate at Florence. It was assuredly no work of Bonaparte's which, during his absence in Egypt, fomented revolutionary violence at Rome and compelled the deportation to France of Pius VI. The aged prelate did not long survive the sorrow. He died a prisoner in Valence, at the age of eighty-two, on August twenty-ninth, 1799. For this shameful treatment of a harmless old man the Directory bears the blame entire.

XIV

DESIGN AND FORM OF THE CONCORDAT

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THE Day of Brumaire 18, year VIII. (November ninth, 1799) did not differ from its parent Days in motive and execution. Once again an intolerable government came to an end by the use of military force. But this time the army had not many masters; it had only one, a favorite young general who was at the same time a national hero. Napoleon Bonaparte did not secure the chieftaincy of France at thirty because of his proven capacities, but because the nation believed itself in urgent need of him. Brumaire exemplified contempt for law under the shallowest pretence of observing legal forms. There was no concealment of this fact, and in a high degree France was astounded.

But her astonishment indicated relief and not indignation. Any change directed by an effective power would be an improvement, for under the conditions prevalent since Fructidor France had sounded the depths of feebleness, and consequently of social disintegration and degradation. There had been during that period an average of one divorce for every eleven marriages; whether a child were legitimate or not was to many minds a matter of indifference, for some thought civil marriage sufficient, some were content with the marriages of the Constitutionals, some only with those of the nonjuring refractories. Thousands

were united only in Theophilanthropy, and other thousands were utterly indifferent to marriage in any form; Paris and the great towns were almost brothels, and the Palais Royal, then the very heart of the capital, was one vast exchange for all the known forms of vice. The validity of land sales and business transactions of every sort was constantly in question, for the future still hung in the balance; the law was uncertain and courts were venal. State and family being therefore menaced at every point, and the ecclesiastical situation being such as has been already outlined, things could not be worse; they must grow better.

The provisional Consulate had no sooner come into existence than evidence of this conviction accumulated in every direction. A heavy hand was laid, wherever it was possible, on all violations of public decency, and on such practices as could not be instantly checked enormous contributions were levied. The fear of a tried army, loyal to a single man, and of a semi-military police weighed upon the spirits of the malefactors. The administration of justice, civil and criminal alike, was momentarily changed as if by magic; business revived, and the public credit rose by leaps and bounds. In less than two months three peremptory decrees were issued by the provisional Consulate which overturned all compulsory legislation regarding the offensive Décadis, substituted a mere promise of fidelity to the constitution for the odious oath of hatred to royalty so far required of all officiating priests, and enjoined on all magistrates the enforcement of the laws securing freedom of religious worship. Almost as a matter of course such churches as had not been sold were reopened for services, and the ashes of Pius VI. were decently interred with the splendid ritual of the Roman Church.

The work of seven lean years—years of violent overturnings, of confiscations, of social devolution, of religious persecution, of political anarchy and chaos—seemed already to the great masses of the French to have been undone effectually and permanently. For years Bonaparte had been discussing with Siéyès and other political philosophers the nature of constitutions. From their thoughts and his own he had evolved a charter which was not only novel and original, as he and the devotees of his cause believed, but a panacea for the troubles of French democracy. When the Constitution of the Year VIII. was promulgated, cumbrous, complex, and absurd as it is, a worried, harried, superficial people hailed it as a wonder, and accepted it but too gladly. At least it guaranteed the achievements of the Revolution regarding civil liberty, and it was self-evident that religious liberty in some degree would be secure under its ægis. To its utter disregard of political liberty only a few thoughtful and patriotic men gave serious heed.

Now religious liberty was no better understood in France on the fall of the contemptible Directory than it had been by the enlightened and generous Constituent Assembly. The various points of view still held were much what they had always been. The only perceptible change was in the readjustment of the numbers who supported them. The great mass of the French people appeared, in its latest adjustment and in spite of all vicissitudes, to be absolutely unchanged, for thousands had reverted to the French tradition of thirteen hundred years—viz., that all ecclesiastical legitimacy lay in the spiritual mission of the Pope and in the canonical institution of all ministers through him. These were of course ecclesiastical aristocrats in a sense, because, in order to secure what they likewise

firmly held as a part of French tradition, namely, the dependency of the ecclesiastical on the secular authority, they considered popular election abominable and the appointing power to be just as inherent in the state as investiture was in the papacy.

These conservatives enjoyed the hearty support not merely of those who had religious convictions identical with theirs, but likewise of a powerful royalist party which was secretly agitating, if not for the restoration of the Bourbons, at least for the establishment of monarchy in some form. The Constitutionals, no longer so in reality, but still designated by the well-worn term, were, on the other hand, evangelistic and consequently democratic to the core; they relished the oath of hatred to royalty, and believed both in the popular choice of ministers and in qualified Presbyterianism as a form of church polity. But they were Roman Catholics nevertheless; their last official utterance was an invocation to the Pope for unity in the Catholic, Apostolic, Roman Church, a call for canonical mission as a condition precedent to the ministerial service and an expression of willingness to accept the authority of nonjuring bishops and priests consecrated before 1791, provided only that the incumbent already inducted under the Civil Constitution should have the succession in office.[1] They deplored the existence of schism, and vainly entreated Pius to heal the breach. There are no trustworthy statistics as to their numbers,[2] but probably their adherents included a third of the professed Catholics. Of fifteen churches open for worship in Paris, they occupied five.

[1] Annales de la Religion, V. 524. Theiner, Doc. Inéd., I. 463.

[2] These very uncertain approximations are based solely on the most widely conflicting claims and on very doubtful indications. Grégoire, Mémoires, II. 94, claimed the majority of the faithful as adherents of the Constitutional Church.

Likewise, there was still the small body, also indeterminate, of the Freethinkers, as they came to be styled, of those who were Protestants at heart and of the Jews; these were, all told, perhaps five per cent. of the nation. What they lacked in numbers they supplied by brains, wit, and fiery resolution. They abhorred the idea of another bargain with the now irregular and contemptible papacy, and they were still in high places where they could make their abhorrence a power to be reckoned with.

Here, then, was the most complicated and difficult problem which could confront a budding statesman. The solution, of course, turned solely on the question of his own choice, for Bonaparte's battalions could enforce his will. That choice was determined by several considerations. To win France there must be a display at least of moral courage as well as of military force, and to that end it was well discreetly to antagonize all parties ecclesiastical as well as political. To sustain a power once won a chief of state must have the hearty support not of hack politicians and worn-out partisans, but of the vigorous rising stock of younger Frenchmen. These were best represented by Royer-Collard, who had announced to the Five Hundred the absolute necessity of a compact between the religious hierarchy, which controlled the consciences of the vast number of Frenchmen, and any government which might hope to control their persons and estates.

This was a most unpalatable announcement to the French liberals, and was, moreover, both fallacious and untrue. But it represented the conviction of the nation as a whole; government must either support or destroy the religious confession of the majority. Reciprocity or destruction. The various governments of the Revolution had refused reciprocity; their fate was well known. One thing the First Consul did—this particu-

lar Scylla he avoided; did he in choosing Royer-Collard's alternative fall into Charybdis? Before seeking an answer to this question we must note one more element in Bonaparte's choice which appeared later—that which may be designated the international. The intestine disorders of France once regulated, the position of her ruler in relation to the European sovereigns would be enormously strengthened by the support of the papacy, especially in regard to her nearest neighbors—Spain, Italy, and the Empire. These, with numerous minor considerations, such as speed, instinctive leanings, facility of ruse in prospective negotiation, determined the First Consul's choice.

The final act, therefore, in the religious history of France during the revolutionary epoch was the Concordat of 1801, arranged between Bonaparte and Pius VII., a treaty which still seems a wonder of statesmanship to many, for it held good under the Empire, was overthrown, then reëstablished, and, after various vicissitudes, was incorporated in the fundamental law of France, remaining operative to this day under republican government substantially as it was finally adopted under a monarchy. Concerning this arrangement, as might be expected, two antipodal views have been and still are held. Some see in it a stroke of imperial Napoleonic policy—the restoration of Christianity and the overthrow of infidelity with no other than a purely political purpose—the adroit use of this spiritual triumph by an usurper to bolster his assumption of autocratic power, the return for this end to a system which fifteen years earlier was already an anachronism. The Concordat, as matters have arranged themselves, has enabled the church to crush both Gallicans and Jansenists. But, on the other hand, its abolition would make clericalism triumphant.

Others uphold the Concordat as an act of far-seeing statesmanship, the destruction of social chaos at one blow, the restoration of religious liberty to the French in a form suited to their habits and convictions, a wise compromise between the warring factions of the church, the consequent guarantee of religious independence to Protestants, Jews, and Freethinkers.

Both views disregard the most important element and overlook the "organic laws" which were and remain part and parcel of the system inaugurated by the Concordat; both alike mistake the historic facts, considering the radical but admirable theory of a free church in a free state as having been an accomplished fact undone by the Concordat, whereas, as we have seen, the reality behind the screen of theory was a tyrannical persecution practised on all who strove to secure the exercise of religious liberty as an operative system. Both, therefore, are entirely unhistorical.

To a just understanding of the Concordat of 1801 a general view of ecclesiastical conditions at that time is essential. The mediæval system of an independent, inclusive church organization, enforcing its commands by assistance from the temporal power, was represented and upheld by the orthodox conservative Romanists of all lands; they regarded the church as the source of secular power, or at least as preëxistent to all secular power, and this was the firm conviction of at least a small majority of Frenchmen. Alone among the nations of Europe, Spain and Italy successfully maintained a divine-right political system and unity of the faith with tolerance.

The French monarchy had exerted itself to the utmost in behalf of this theory. But it had failed because its subjects were too enlightened to accept the doctrines taught by the Casuists. It was the Casuists

who had wrought the counter-Reformation elsewhere in Europe, and who won to their convictions the crown, the higher aristocracy, and the prelacy in France. But, as we have seen at the outset, the common sense of other Frenchmen, the burghers, the lower aristocracy, the professional classes, and the lawyers particularly, rejected casuistry with disgust. Some of these men took refuge in a plain biblical ethic, others in the stern logic of the Roman law, a system whose precepts had permeated much that was best in French life.

The modified system of tolerance inaugurated by what is called the age of enlightened despotism made the sovereign the official head of the church (Cæsaropapism) both in Protestant and Catholic countries. In France, Germany, and Austria the attempt was made to establish a national church, with local organization and liturgy, Catholic in its union with the church universal, by the admission of spiritual supremacy as resident in the Pope, and by a common faith. The practical workings of this system, however, had destroyed ecclesiastical sovereignty by means of certain rigid restrictions, under which alone the secular power enforced the practice of religion and obedience to the clergy. No decision could be published without secular authorization (*placet*), nor executed without governmental confirmation (*exequatur*), and lay courts could reverse the ecclesiastical sentences (*recursus ab abusu*). This secular control was further extended by tolerating any form of faith and worship as subordinate to the state church, or even still further enlarged by putting several state churches on a parity.

These measures really turned ecclesiastics into state officials. They were selected by the government, and as its agents only held and retained their privileges—viz., precedence, estates, endowments, special taxation,

freedom from military service, regulation of education, control of the laity, censorship of books, regulation of marriage, and the right to record vital statistics. Such was the system for which Gallicans and Jansenists had contended in France, and which was still supported by the Constitutional clergy of France; they were sustained in their contention by a large minority of Frenchmen. The plan was substantially that of the Reformation in Protestant lands. The Revolution, however, had sought utterly to ignore the ecclesiastical organization in all lands, to withdraw all state support, to have the government organize and control education, to secularize all ecclesiastical estates, to destroy all ecclesiastical courts, to cancel religious vows, to regulate by secular legislation the laws of marriage, to have the administration keep all vital statistics—in short, absolutely and completely to separate church and state.

Had the realization of this revolutionary ideal been entrusted to the friends of Christianity, or had there been in France any truly vigorous body of conservative religious men with a just conception of the problem, true progress of substantial value might have been made. But the fanatical radicals who agitated in favor of ecclesiastical freedom had not the vaguest conception of real liberty, either political or religious. Acting in the heathen spirit of disdain for every form of Christianity, they united all other Frenchmen against them.

Bonaparte had made himself the man of the hour; men saw him in the glamour produced partly by the prodigies of his military success and partly by the equal prodigy of his political skill in securing and holding a non-partisan attitude at Paris. He had a single end in view, the reunion of French hearts in the largest possible majority. He must make himself indispensable

to France, fulfil her hopes, show himself the promised saviour of society. To this and this alone he was for the moment devoted.

Accordingly, he devised a compromise between the system of enlightened despotism and that of the advanced Freethinkers. The law he framed was not in any sense, however, a mere social convenience; it was a foundation stone in his new political structure. Determined to suppress alike the White and the Red Terror, as he himself expressed it, he aimed to restore the hierarchy in name and form, but in so doing he intended to make it subject to the secular power without reserve, keeping intact, as he wished men to think, both the immemorial tradition of secular supremacy and the fundamental principle of the Revolution—absolute religious liberty and equality, without leaving a shred of clerical authority or a vestige of the canon law. By the "organic laws," with which Pope and church had nothing to do, and which he made in direct contravention of canon law, he regulated most stringently the general relations of the church with the state laws and the police. Under these rigid rules the secular power was intended to be supreme, controlling clerical authority, the publication of papal decrees, the sending of nuncios, the holding of councils, the creation of bishoprics and parishes, even the establishment of public religious festivals.

This is the point to which attention must be drawn in considering the events prior to the reëstablishment of the Roman Catholic Church in France under the Concordat. In Italy, Bonaparte posed as an orthodox Roman Catholic Christian, in Egypt as a Moslem, in France as a radical; he was all things to all men. He felt the mystery of religion to be purely social, as does the advanced liberal theology of our day. These are

almost his *ipsissima verba*. He dwelt especially on Christianity as an equalizer, and preferred its Founder's teachings to those of any other prophet, since by them the longing for the unknown was more safely gratified, as he said, than by those of Cagliostro, Kant, or any German dreamer. The levelling system of primitive Christianity was the remedy for social discontent; the black army of priests was the guarantee of internal peace, as the white or soldier army was the safeguard against foreign aggression.

When, therefore, he was once more on European soil he behaved accordingly. At Milan, on the morrow of Marengo (June, 1800), he professed the Catholic, Apostolic, and Roman faith "as the only religion which gives the state a firm and durable support." At Malmaison he had already confessed the profound emotion he felt on hearing the church bell of Rueil, "so strong is the power of habit and education." [1] Finally, he was evidently determined to have the sacred vial broken over his head as himself constituting and representing the supreme power in both state and church. To crush social anarchy, to make religion a prop to the government, to preserve the focal revolutionary principle of religious liberty by the parity of sects under state patronage and under the law—these were the ends of the Concordat.[2]

How were victories so amazing, a triumph so complete, to be wrested from the papacy? How was a religious charter to be forced upon a France that was

[1] Mercier, Paris pendant la Révolution, II. 443. "Les cloches n'ont jamais fait tant de bruit depuis qu'on les a fait taire."

[2] See Roederer, Œuvres, III. 335. Likewise the manuscript note of Grégoire quoted in Aulard, Histoire Politique, p. 734. Bonaparte held that but for religion social inequalities could not exist. He wanted religion for the sake of "servantes, cordonniers," and the like—that is, to keep the common people content.

reactionary and radical in about equal proportions? The facts are briefly these. By the Treaty of Tolentino, Bonaparte, though stripping the papacy of its earthly goods, had left the skeleton of its secular and temporal power intact. During his absence in Egypt the Directory, having revolutionized both central and southern Italy, had first lost its strength there, then elsewhere and everywhere, at home and abroad. In particular, by a series of overwhelming disasters to the French armies, Austria had reëstablished control over all northern Italy. Pope Pius VI. having died in exile, the college of cardinals had been dispersed; there was pending what seemed likely to be a long interregnum in the chair of St. Peter's.

Seizing the opportunity of his transient victories in Italy, Francis, the emperor at Vienna, convened thirty-five of the cardinals in conclave at Venice on November thirtieth, 1799. After a series of unseemly intrigues and disgraceful wrangles, which for week after week endangered the very existence of the ecclesiastical system the members were met to perpetuate and sustain, Cardinal Chiaramonte was finally chosen Pope; on March fourteenth, 1800, he was proclaimed as Pius VII. The procedure from first to last was irregular in canon law and unsupported by ecclesiastical tradition.

As Bishop of Imola the new Pope had issued a pastoral letter during the French invasion of 1798 arguing that between Roman Catholicism and revolutionary institutions there was no essential incompatibility. He was therefore hailed as a liberal, and proved to be one. From Milan, Bonaparte, whose Marengo campaign had just confirmed his mastery in France, made known at Rome, by the intermediation of Cardinal Martiniana, his desire for a solution of the French ecclesiastical

problem.[1] The Pope eagerly despatched two envoys, who followed Bonaparte to Paris; these were Archbishop Spina, a capable negotiator, and F. Caselli, an adroit theologian. The negotiators on the other side were quickly chosen; they were the bland and versatile Talleyrand and the Abbé Bernier,[2] an able, supple, and accomplished Vendean, who had been instrumental in establishing the authority of the Consulate throughout the troubled district in which was his home.[3]

The terms proposed by Bonaparte were: first, the voluntary resignation of the entire French episcopate; second, the sanction of the sale of ecclesiastical, now called national, properties, as decreed by the National Assembly; third, the reapportionment of dioceses so as to diminish the episcopate one half (to fifty bishops and twelve archbishops); and, fourth, the recognition of the Constitutional clergy in the new arrangement.

The first of these points was, in Bonaparte's opinion, the most vital. He could not restore religion except under circumstances that would neither wound the general sense of propriety nor disturb the public peace. To secure such conditions it was essential "to exclude

[1] It was immediately after Marengo that the Consulate began to discourage the celebration of the Décadi, whether by the secular exercises or by those of the Theophilanthropists. Up to that time little more than a change of attitude had been noticeable in the religious administration under the new government. "In spite of what our Paris atheists might say," Bonaparte wrote to his colleagues, "a Te Deum was chanted at Milan for the victory."

[2] Crétineau-Joly, L'Église Romaine en Face de la Révolution, I. 239. Bernier had an extravagant admiration for Bonaparte: "Never has any man more thoroughly grasped the meaning of events," was his judgment. See his extended opinion quoted as above.

[3] Theiner, Deux Concordats, 2 vols., Paris, 1869, is a storehouse of original documents, given mostly in the text, but many likewise in an extended appendix. Even more complete is the collection of Boulay de la Meurthe, Documents sur la Négociation du Concordat.

from office those of the former bishops whose influence would tend to disturb the present situation, and who since the Revolution seem to have identified their episcopate with one or another government in such a way that they neither keep nor use one except to gain the other, a course which would be a source of new trouble and new anguish to France."

The First Consul also desired that the titular bishops of the new circumscriptions should not be annoyed by those whose former titles would now be attached to the new bishoprics; the old incumbents must therefore resign as a condition antecedent. Finally, in the case of such former bishops as had shown their sterling worth and moderation amid all the bygone convulsions of France, and who therefore might be continued in office, he was determined that they should owe their office and know that they so owed it to the "free choice of the government, ratified by His Holiness, and that to their promised fidelity they must add the sacred bond of a just and proper gratitude." These were the three cogent reasons given for the demand which of all others would prove most trying to the Pope—a demand which destroyed the historic continuity of the French episcopate. In support of his requirement Bernier cited the demission of the bishops at the time of the Donatist schism. As was expected, Spina expostulated vigorously and argued eloquently, but the French negotiators were steadfast and unyielding.[1]

From the very outset the cardinal-archbishop involved the papal diplomacy in tortuous courses. His emissaries were chosen, with suspicious facility, among men of every grade in belief, and even among men of no faith whatsoever. It was a singular lack of tact

[1] Theiner, Les Deux Concordats, prints Bernier's notes as original document, No. XIV.

which induced him to send the atheist astronomer Lalande to act as a mediator with Grégoire. If the regular bishops were not to resign, it was essential that the Constitutionals should; and in a shrewd circular Spina begged each and all to see eye to eye with him.

Grégoire's response[1] was a plain-spoken statement of facts as he saw them; but one and all, he with the rest, the Constitutional bishops resigned. They understood that preliminary to all reorganization there would be a virtual act of oblivion, whether the Pope so willed or not, and they yielded to what they felt was chicane for the sake of principles they had so vigorously enunciated; they could not hold up their heads as honest men while persisting in any course that would perpetuate the schism. But the diplomatic wiles of the papal envoy were noted; and, being clearly understood by two men who were no tyros in the same arts, their influence and example were held in reserve to provide and offset a fitting climax. At the last fateful moment the papacy was defeated by a simple parry. The original bishops, like the Constitutionals, had to lay down their staves and mitres; and when but a certain number resumed the symbols of their office, it was at the behest of the state and not of the church.

Possibly the most searching question in the whole procedure was, as Bonaparte maintained, the disposition of the clerical estates. It was so at least from the social standpoint, for a great prelate must needs change his heart and his garment both if the ecclesiastical estates were to remain sequestered. Here the advice of Grégoire appears to have been determinative. He spent much time at Malmaison with Bonaparte, pacing the shrubberies and garden-paths, reasoning of the papacy, its essence, its purpose, and the means of

[1] Annales de la Religion, XIV. 31, cited in Grégoire, II. 97.

negotiating with it. Noting that the serious delinquencies of the popedom were one and all due to the secular character of its court, which, moreover, was narrowly Italian and not catholic at all, he proposed to meet its worldly guile with the nicest punctilio, and, while pressing essentials, yield in all possible points to nervous sensibility. Accordingly, by his advice the Pope was requested not to ratify, approve, nor sanction the sale of ecclesiastical estates, but merely to recognize the legality and validity of such sales. Spina asseverated the sinfulness of sequestrating church property, and hoped the sin might be diminished by a restoration in part at least. Bernier was again unmovable; the actual owners were in legal possession, and to unsettle what was done in this respect would arouse such general animosity as to render ecclesiastical reorganization impossible.

The other perplexities were met in exactly the same way. Bernier insisted that more than half of the ancient dioceses should disappear; Spina protested, and schemed to thwart his imperious opponent, but all in vain. The episcopate as reconstructed should consist of sixty-two prelates, twelve archbishops and fifty bishops, one for each of the new dioceses. Similarly, both Bonaparte and Talleyrand took the ground that the interests of the Constitutionals were just as dear to them as were those of the nonjurors to His Holiness. Political peace had been reëstablished in France by disregard of the near past, of its parties, its quarrels, and its bitterness; peace was speedily to be restored among Continental nations by the treaty in negotiation at Lunéville, likewise by consigning the past to oblivion; in no other way could religious peace be established than by forgetting and forgiving the past, and then equally distributing the reconstituted power. "Religious

peace," wrote the sometime Bishop of Autun, "cannot be effected except by reuniting all consciences and every denomination of ecclesiastics under the benign and paternal authority of the Holy See." [1] This attitude Spina declared to be totally impracticable, and so firm was he that the question—the only one of the four which was so treated—was not urged, and its discussion was suspended.

During the two months of preliminary negotiations at Paris, Bonaparte maintained as resident plenipotentiary in Rome a sometime republican named Cacault, the same whom in 1796 he had ordered to "dodge the old fox," Pius VI. The minister was now instructed to treat Pius VII. "as if he were master of two hundred thousand men." During this period four successive drafts of a treaty embodying the French demands were sent to Rome, and, in spite of Cacault's intimidation, rejected by the Pope. Pius and Consalvi, his confidential Secretary of State, were as intractable as the French ministers. Considering the irregular source of Pius's office and power,—an irregularity which he tacitly admitted in excusing his ultimate compliance with distasteful demands,—he displayed great courage. His tenacity was to a certain extent diplomatic. He had little purchase for resisting, for he must have recalled that the earliest religious act of the Consulate (3 Nivôse) was a virtual restoration of such among the transported priests as were not hardened political agitators. He must have remembered how, next, the body of Pius VI. had been restored to Rome with appropriate churchly services; and how, finally, as has been told, for the terrible oath exacted under the Directory was substituted a simple promise of loyalty to the constitution; he was well

[1] Talleyrand to Bernier. Theiner, Deux Concordats, I. 101.

aware that in early summer the still existing church edifices were reopened for orthodox worship. In spite of Fouché's too voluble assertions that all this meant little, only one interpretation could be put on these facts, and this Pius saw. There was complete emancipation, even for the refractory clergy.

The end of papal procrastination was reached in a way characteristic of the budding emperor, the dictatorial Napoleon. In May the Pope was notified by Bernier that no further modifications to the proposed Concordat would even be considered at Paris, and that if there were further delays the French minister would be recalled within five days and negotiations ended. Cacault suggested as a last resort that Consalvi be delegated to make personal representations to the First Consul. The proposition was eagerly accepted, and Bonaparte's menace was so far fulfilled that the papal and French diplomats left Rome together, the latter taking up his abode temporarily in Florence, while the former proceeded to Paris. Consalvi composed his memoirs eleven years after the events which he records and under the influence of resentment; they are not reliable. In his despatch to Cardinal Doria, written at the time,[1] he states that in his very first interview with Bonaparte he was cordially received, and obtained the promise of certain modifications, and this in spite of the widespread public opinion in Paris bitterly opposing reconciliation with Rome, a fact noted by the envoy himself. The regular succession of gains made by France both in war and diplomacy went far to strengthen Bonaparte. After the victory of Hohenlinden he withdrew his offer to declare the Catholic religion that of the

[1] Theiner, Deux Concordats, I. 173, gives the original. Cf. the Mémoires of the cardinal as quoted in Crétineau-Joly, I. 241. Consalvi's memory was worthless, or else his motives were questionable.

state; he merely admitted it to be "that of the great majority of French citizens."

That the Pope's plenipotentiary might clearly understand how uncertain his position really was, the second ecclesiastical council of the Constitutionals was opened at Paris on June twenty-ninth. Consalvi diplomatically ignored all that was passing before his eyes, and drew up a memorandum repeating the papal counter-demands already made by Spina—viz., that the government should make public profession of adherence to Roman Catholicism, guarantee the public exercise of Roman Catholic worship (reëstablishing it thus as the state religion), and not depose the present bishops, some eighty or ninety in number. Bonaparte proved to be long-suffering. He permitted not five days, but more than a fortnight to pass in so-called negotiations; but for all that he remained obdurate on the vital points; all that could be construed as the promised modifications he would tolerate were certain softenings of phraseology. Step by step Consalvi yielded, and finally the seventh draft was accepted. It was to be signed by the plenipotentiaries of both sides as of July fourteenth at the mansion of Joseph Bonaparte. In the evening of the same day, and in order to counteract the effect on public opinion, the consuls were to give a public banquet commemorating the fall of the Bastille, for it was the anniversary of that occurrence.

XV

ENFORCEMENT OF THE CONCORDAT

XV

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THE course and character of the negotiations between the high contracting parties of the Concordat give little or no clew to the extraordinary events subsequent to its negotiation and just precedent to its signature. Charges and counter-charges of duplicity and fraud rolled over the ecclesiastical sky, and their mutterings are still heard. Viewed from one standpoint, all the diplomacy employed on one side and the other was hollow, for at home the First Consul unquestionably had the power to enforce any commands he chose to lay upon the Gallican Church, while abroad the papacy had lost its last great prop by the utter humiliation of the Austrian emperor in the Peace of Lunéville. Francis II. uttered a cry of anguish in the confession that he had exhausted his monarchy, that thus he had lost the imperial position in the European balance of power, and that he now was so weak that he had not a single trustworthy ally.

What was loss to the Austrian monarchy was almost the annihilation of the papacy's secular power, for the temporalities granted by the treaty to the successor of St. Peter did not include the legations and the Romagna, while the continuance of temporal power in any form was due solely to the good will of a young general who was very slippery indeed when dogma was the matter in hand. The Treaty of Lunéville bore the

date of February ninth, 1801. In view of irregularities in his election, in view of the Hapsburg humiliation, in view of his complete dependence on France, which now had not a single Continental power in arms against her—considering all this, Pius VII. and his agents had shown amazing tenacity of purpose and reliance on such purely moral supports as they could discern. Great daring was manifest throughout their negotiations, especially in their defiance of the time limits set by Bonaparte, who was in hot haste and impatient of resistance.[1]

Consalvi, moreover, had at the close to face and reckon with what was the reality of a new ecclesiastical organization, the nucleus and possibility of a schism that would be almost as disastrous to Rome as was the Reformation of the sixteenth century. There before his very eyes sat a "national council," comprising not only forty-three prelates, but likewise other delegates who claimed to represent fifty-two dioceses. The leader of the body asserted that for three years past no fewer than thirty-four thousand churches had been under its auspices; eighty synods and eight metropolitan councils had preceded this second national council.[2] Surely and steadily, the Constitutionals claimed, this organization was adapting itself to the national wants, conceding the choice of its pastors to the people, unifying and enriching the liturgy, and exhibiting its patriotism by summoning the Bishop of Lyons to preside as Primate of the Gauls.

Shut his eyes as he might and did to such a portent,

[1] The authorities for this chapter are as before: the original documents printed in Theiner, Documents Inédits and Deux Concordats, and in Boulay de la Meurthe, Documents sur la Négociation du Concordat; de Pradt, Quatre Concordats; Portalis, Concordat de 1801; Crétineau-Joly, L'Église Romaine en Face de la Révolution.

[2] Grégoire. Mémoires, II. 91, 99.

Consalvi could not misunderstand the first consul's allusion when he jokingly referred to this synod in the remark that "when terms cannot be had from God you must come to an understanding with the devil." [1] The papal secretary kept a bold front, but inwardly he was sore afraid, and his fear was exhibited in his guile. Exclaiming that he was willing to advance to the gates of hell, but not further, Pius, with the assent of the Sacred College, had on his secretary's departure abandoned resistance to the momentous but inevitable step initial to all progress—the resignation of the Ultramontane bishops; Consalvi stooped to reopen this very question, and astutely distorted for his purpose the vaunted Gallican liberties of 1687. Bernier must have been disgusted at such wiles, but the First Consul, though immovable as to essentials, grudgingly acceded to the suggestion that the Pope might frame his own address to his faithful bishops, French officials though they were. Bonaparte further consented to the omission of several rude expressions and the modification of some trying phrases. There he paused and stood firm.

But the despotism which was latent in the Directory and carefully arranged in the constitution of the Consulate was still potential rather than real. The new chief executive of France had his own troubles. Only nine years had elapsed—and in military glory they had been years of wonder—since the time when a godless commonwealth, radically democratic, close-knit in its centralization and as zealous to be all-inclusive as were ever the political systems of Romanism and Calvinism, had been the ideal of a majority of ardent Frenchmen. While most of the old-line radicals of eminence had fallen into the pit they had digged

[1] Quoted in Jervis, Gallican Church, p. 346.

for others, and had perished miserably under various pretences, yet there remained a few even of them, and there were enormous numbers of Freethinkers who had been nourished on modifications, more or less complete, of the radical doctrine. To all these the very thought of a composition with Rome was abhorrent. The Consulate began as a civilian government—even Bonaparte wore a frock coat; as such it professed amity for all classes, with a deprecatory preference as far as possible for republicans.

But as time passed and the constitution adopted by the popular vote gave the First Consul a firmer seat, the republicans grew uneasy, and finally sore. A rigid censorship of the press was established, the old republican simplicity of manners disappeared, forms of politeness associated with the monarchy were revived; as the consular court was gradually organized in ostentatious modesty, persons long in hiding were seen to be preferred in honor; contrasting the case of the old nobility with the stiffness of the republicans, Bonaparte sneered that only the former possessed the art of domestic service, and pleaded that fact as an excuse for surrounding himself with them.

Finally the attempted assassination of the chief magistrate, on December twenty-fourth, 1800, was falsely attributed not to the real culprits, the royalists, but to a radical conspiracy that never existed; consequently a hundred and thirty irreconcilable republicans were proscribed and transported to various tropical prisons; some thirty more were placed under police supervision, and four were executed for treasonable utterances. It was not until April, 1801, that the real assassins, a royalist named Saint-Régeant and his accomplice Carbon, were guillotined. The royalists and republicans alike suspected a coming monarchy; as a substitute

for the legitimate Bourbons it would be as great an abomination to the former as any monarchy whatsoever would be to the latter.

Both these antipodal factions, therefore, were fierce and alert. If the Consulate were to survive it must win the Roman Catholic masses by a Concordat, meet papal guile with equal wiliness, and if it were to withstand the active politicians its agreement must handle the papacy with no consideration. As the great anniversary of the republican calendar, July fourteenth, drew near there was much agitation in Paris over the idea of a Concordat as inseparable from a return to monarchy in some form. It showed itself in the legislature, in the administration, among the social leaders, the men of science, letters, and art. On July thirteenth the Constitutional clergy instigated a formal and vigorous protest against it—a protest so menacing that when it was shown to Consalvi even he was awed by the situation of the consular government.[1]

These are the conditions which explain the curious and interesting interlude which was played by clever actors between the negotiation and formal signing of the Concordat. The facts as far as given to the world are most dramatic. For greater convenience the actual signing was to be done on the thirteenth of July. The negotiators therefore met on that day at the appointed hour and place. On the table lay what was ostensibly an engrossed copy of the paper as arranged by Consalvi and Bernier. The papal envoy took up his pen, and before yielding to inevitable fate ran his eye hastily over the document. According to his own account, he was dumfounded; the copy was in the unmodified

[1] See Theiner, Deux Concordats; Consalvi, Mémoires. The cardinal's original despatches are in Boulay, III. 223 *et seq.*

form of the original demands! Joseph Bonaparte examined the paper, and was sincerely amazed. Bernier asseverated that the paper was just as he had received it from the hands of the First Consul. Apparently both cardinal and abbé were filled with horror and dismay. But, according to the account of Bernier's friends, Consalvi already knew what he had to expect, and was acting a part. In any case, the papal legate threw down his pen and declared himself the victim of a fraud. If the genuine document were not to be signed he thought the sitting should end at once.

It does not seem possible to prove or disprove the charge of attempted fraud; diplomacy as practised by all parties had its own devious ways throughout the revolutionary epoch. It is denied as well as asserted that moderate republicans and radicals had joined that very day in another violent remonstrance to the First Consul against the Concordat. Nor is it possible to prove what is asserted, that, yielding to his own inclination, Bonaparte had restored the terse language of his original demand, and that Consalvi was aware of the fact. In any case, what followed is unprecedented if Consalvi were sincere in his professions of ignorance. How could that have been possible which is certain, that under Joseph Bonaparte's calming influence negotiations were renewed then and there, lasting for nineteen unbroken hours, until noon of the next day? By that time agreement was reached as to every article except one, that which stipulated the liberty of the Catholic worship and the publicity of its exercise. This was referred to Napoleon, and the little congress of six plenipotentiaries adjourned in complete exhaustion.[1]

[1] For France: Joseph Bonaparte, Bernier, Cretet; for Rome: Consalvi, Spina, and Caselli.

The public festival was held, as arranged, on the evening of the fourteenth. Consalvi appeared at the Tuileries, and when greeted by the First Consul in a tone of menace courageously signified his intention to depart at once; he had not desired the rupture, for he had assented to all the articles except one, and that embodied a principle concerning which he must consult the Holy Father. It was by the friendly intervention of Cobentzl, the Austrian ambassador, who was a devout adherent of the papacy, that arrangement was made for a last conference on the morrow. Twelve weary hours were again spent in debate, and finally the crucial article was by mutual consent worded as follows: "The Catholic worship shall be public, but in conformity with such police regulations as the government may judge necessary to the maintenance of the public peace (*pro tranquillitate publicâ*)." The signatures were affixed at midnight of July fifteenth-sixteenth, 1801.

Next morning the First Consul was induced by his brother Joseph to accept the treaty, apparently with great difficulty.[1] To us who know Napoleon's dramatic ability, who are familiar with the "Articles Organiques" which gave the final form to the Concordat, and who recall the contrasts between the gory Terror or the ruthless paganism of the Directory and the France which thenceforth heard the Catholic, Apostolic, and Roman religion officially proclaimed as the faith of the great majority of French citizens, which saw the order go forth that Catholic "worship should be freely and publicly exercised under protection of the law,"—to us, in short, who view the scenes in the perspective of history, it appears as if Napoleon Bonaparte felt sure he had gained a personal triumph, and

[1] Mémoires du Roi Joseph, X. 285.

as if he must have rejoiced inwardly, despite his show of impatience.

The rest of his task was comparatively easy; with both the French and Italian [1] malcontents he felt that he knew how to deal. Apparently, however, he was seriously hindered. There were trouble and delay at every stage, ostensibly.

It was on August sixth that Bonaparte in person proclaimed the Concordat to the council of state. The announcement was received with the icy silence of disapproval. So, too, the Pope found not only small encouragement in the college of cardinals as a whole, but a determined resistance on the part of several. Nevertheless, on August thirteenth he issued a brief containing the motives of his action, and on the fifteenth, in the bull "Ecclesia Dei," called on the refractory bishops of the French dioceses to resign. Ratifications were exchanged between the contracting parties on September tenth. It was almost a year later—not until April fifth, 1802—that all preliminaries for putting the law into execution were arranged and the Concordat was finally accepted by the legislature. Of eighty-one bishops surviving from the old regime, forty-five resigned and the rest were deposed; thirteen refused to acquiesce in their deposition, and, persisting in the assertion of an empty dignity, formed the "Little Church" already mentioned. In spite of repeated efforts by Leo XII. and Gregory XVI., the schism of the "Little Church" was not extinguished until 1893 by the letter of Leo XIII. to the Bishop of Poitiers; and to this day there is still a little band of irreconcilables in France, although they have no organization.

[1] For the movement inaugurated in Lombardy and Piedmont by Scipio de Ricei, see Botta, Storia d'Italia, dal 1789 al 1815.

The new bishops of the Concordat, sixty in number, including the ten archbishops, were presented by the government and instituted by the Pope; of the entire number only fifteen were former Constitutionals. Thereupon the whole system, episcopal, diocesan, and parochial, was unified and reorganized. At the close of service in every church the prayer ascended: "Domine, fac salvam rempublicam; Domine, salvos fac consules." Proper salaries were paid by the state to all ecclesiastics, church estates were confirmed to their actual possessors, and Pius granted to the consuls all the rights of sovereigns—to wit, exemption from the jurisdiction of the Ordinary, absolution by their own confessors in cases otherwise reserved to the Pope, the right of visiting monasteries, of not being excommunicated without special papal authorization, and of being canons in the Church of St. John Lateran in Rome. The temporal power of Pius VII. was recognized, a nuncio took up his residence in Paris, and a French ambassador in Rome. This was the performance of what the lawyers call a synallagmatic contract, going into operation by the mutual or reciprocal fulfilment of obligations.

The Concordat was at one and the same time a law of the state and of the church. Quite otherwise the "Organic Articles of the Catholic Cult," which were voted simultaneously as a purely secular measure and were never submitted to Pius VII. Under the pretence of "police regulation" Napoleon harked back to the Gallican Declaration of 1682 as the norm of state action, his object being to exclude the Pope completely from all direct interference in the affairs of the church throughout France, and to centralize ecclesiastical administration in his own hands. This legacy of the old monarchy had been utterly discredited by

experience. Under its provisions all acts of the Vatican and of foreign synods were subject to state verification, no council could be held without state authorization, prelates could not even visit Rome without state permission, and the right of appeal *ab abusu* to lay courts was asserted. So far we can find nothing to blame. A foreign power as such should not intervene in the affairs of any state except through the government; it was likewise well to separate spiritual from temporal affairs, to regulate marriage as a civil contract, and to charge the administration with keeping vital statistics.

But the rest has been justly stigmatized as administrative despotism. Liberty of organization, of forms in worship, of ecclesiastical dress, of teaching and preaching, of all that makes for freedom, was utterly cut off. Even the Protestants, whose ecclesiastical affairs were regulated by another set of organic articles and who had no religious head, were virtually stripped of the right of free choice in unessentials; as Pastor Vincent of Nîmes remarked, religion became a department of government, a subject of administration. The minister of state, Count Portalis, who endeavored to justify the Concordat in a famous speech, was accused of an effort to turn God himself into a French functionary, and this is literally what was attempted later under the First Empire. Discipline, doctrine, and even dogma were alike placed under state control. It was indeed a remarkable series of regulations to secure what the Concordat styled "public tranquillity." Wherever there was a Protestant church the Catholics were forbidden to celebrate their rites without the walls of their own churches or to march in procession through the streets with ecclesiastical pomp. Pius VII. was of course outraged at being so overreached.

He at once began a series of protests, which continued for fifteen years, under the Consulate and the Empire with no results, and under the Restoration with almost negligible success.

To the Protestants perfect toleration with state support was assured. Both the Calvinists and the Lutherans of France were organized into state churches by their own "organic laws," passed simultaneously with the others. Their parishes, consistories, and synods were formed and regulated under state control, and their officers began to receive state pay. So, too, a little later, the Jews, by the device of a Grand Sanhedrim summoned to meet at Paris, were organized into synagogues and consistories; the rabbis were to be paid a sum fixed by the state, but at first these moneys were raised by voluntary contributions; they were not made a charge on the public treasury until 1831. All Jews were forced to adopt and use family names, perform military service, forswear polygamy, and subscribe the oath of national allegiance. For other forms of worship, Greek, Anglican, and Mussulman being the only ones known to have any substantial numbers of adherents, complete protection was assured under a voluntary system of support.

With the unavoidable breach between the full-blown despot, the Emperor Napoleon, and the Pope we have here nothing to do, for it was an historic episode without historic results of any weight as regards the revolutionary epoch. For the subsequent epoch it had considerable importance. The Napoleonic system was by its author extended for an appreciable period over both Italy and Spain, as well as over the French Empire proper. In the Italian Concordat of 1803 it was stipulated that the Catholic religion should be the state religion. This was a bitter disappointment to the

Italian liberals. Yet the results were almost insignificant. The affairs of the Roman Church were managed by shifts and uncanonical expedients throughout not only the Catholic but the Protestant lands of western and central Europe. The secular authorities meddled at their will, partly because of a general loss of respect for the papacy and partly because the Pope was in captivity; he was a prisoner, even though his prison was the palace of Fontainebleau.

This situation lasted until 1814, and the consequences in France itself, but especially elsewhere in Europe, were far reaching. Jacobinism had penetrated Germany in the camp equipage of the French armies, and altars had been erected to Reason in many towns, notably Mentz, Treves, and Cologne.[1] When the left bank of the Rhine became French the secular princes were indemnified, as long before by the Treaty of Westphalia, in the vast ecclesiastical estates which were permanently secularized and incorporated into the modern states of Europe. These were for the most part ruled by Protestant princes, or at least by such as were ready to break with Rome. Roman Catholicism lost everything in the nature of effective secular protection throughout the Continent, except in the single case of Dalberg, who secured from Napoleon the primacy of Germany and retained for a time as an ecclesiastical prince such portions of Mentz, Treves, and Cologne as were on the right bank of the Rhine. The estates of all chapters, monasteries, and abbeys passed, by authorization of the imperial "deputation" held at Ratisbon in 1803, into the hands of the secular authority, to be used for the support of worship, education,

[1] For an interesting discussion of what was done by the secret societies of the Illuminati in preparing the way, see Venedey: Die Deutschen Republicaner unter der Französischen Republik, p. 91.

and the like public interests, or for reëstablishing the public finances.

In consequence of these measures there was a widespread eclipse of faith among Roman Catholics in every place, and consequently a decline both in the organized Roman Church and in true religion. Separate German states, Bavaria in particular, struggled to imitate their master and negotiated concordats of their own; these papers represented the public temper, but they were not law, for they were never signed. The same was substantially true of the Roman Church both in Italy and in Spain. Monasteries and convents were closed,—two thirds at least of the whole number,—their estates were confiscated, and the clergy in general was either forced to accept secular control or to abdicate its functions. During the whole period the secular power assumed in all places ecclesiastical functions, and the memory of those days survives yet in every European capital as affording a possible solution of knotty problems at acute crises. The power of the papacy has never been the same since the days of the first French Empire.

It is, however, the common experience of mankind that measures enacted in principle are constantly nullified in administration. The cries of Pius VII. were incessant and apparently justified. Himself a prisoner in France, French priests were either subservient functionaries or were reduced to helplessness by persecution. Spiritual tyranny was unabated; for a season the most sacred duties of the church were performed within the limits of the severest statutory law. Yet, as time passed, Bonaparte felt so strong that little by little severity was relaxed, until a sense of grateful relief began to arise among the faithful. In the first year of the Concordat only one million dollars were appropriated

for the support of the Roman Church; by 1807 the sum was increased to eight millions! More than this, in the same interval considerable portions of the ecclesiastical estates had been restored to church uses. Other things even more strange had likewise occurred. The radical members of the National Institute were reduced to inactivity. The Imperial University was instructed to base all education on Catholic principles! Napoleon's own hand wrote Catholic where Christian had first been suggested. The schools of the Christian Brethren were reorganized as an offset to the secular primary schools. The rules as to religious processions were relaxed, the republican calendar was abolished, and, although without specific authorization, certain religious communities were reëstablished and tolerated. Under the Restoration and subsequently the powerful democracy of France was galled by its chains, and in its repeated efforts at emancipation undid much of this. But for what survived the papacy has expressed gratitude.[1]

In some sense, therefore, French liberals are justified in their contention that the Concordat was a reactionary measure. The religious associations were never more powerful morally than now; secular education, both secondary and primary, was never less influential; the absence of sectarianism within the Roman Church was never more conspicuous. Yet, on the other hand, what is to the French government a stumbling-block is a religious condition quite different from the Ultramontanism of the eighteenth century; the Roman hierarchy of contemporary France is almost Gallican in the broad sense of that word, and the

[1] Theiner's volumes were a retort to the charge of M. d'Haussonville (L'Église Romaine et le Premier Empire) that Catholics owed nothing to Napoleon.

Vatican follows rather than leads the ecclesiastical opinion of the country in its attitude toward French politics. While, therefore, neither Protestantism nor radicalism has proportionately made gains of importance one over the other in the number of avowed adherents, yet within the Roman Church there has been a persistent and marked current of true reform due to the secular revolution, and its permanent gains in moral force may be noted scarcely less within than without the fold of Rome.

Finally, what is to-day a menace to governmental authority in France—namely, the extraordinary power and wealth of uncontrolled and invading religious orders—was unforeseen by the makers of the Concordat. The monasteries had been annihilated, their reorganization seemed impossible. No provision, therefore, was made against a contingency of which no one dreamed. But the unexpected came to pass, and the new orders which to-day conduct the education of the upper classes almost entirely, care for the sick very extensively, and print the most widely circulated journals of the country, being unknown to France in 1801, defy all authority except that of Rome. The situation, therefore, seems utterly abnormal to both the government and its supporters, including the majority of those Catholics living under the Concordat. That such powers within the state will eventually be placed in some measure under state control cannot be doubted. Should a new and more comprehensive Concordat be substituted for the old, or a supplement to the Articles Organiques be enacted into a law controlling the new orders, the present ecclesiastical system may take a new lease of life. Otherwise France must move onward to complete disestablishment.

APPENDIX

MORSE LECTURESHIP

FOUNDED by Professor S. F. B. Morse, May 20, 1865, in the sum of $10,000.

"The general subject of the lectures I desire to be the relations of the Bible to any of the sciences, as geography, geology, history, and ethnology; the vindication of the inspiration and authority of the Bible against attacks made on scientific grounds, and the relation of the facts and truths contained in the Word of God to the principles, methods, or aims of any of the sciences.

"Upon one or more of these topics a course of ten public lectures shall be given at least once in two or three years by a lecturer ordinarily to be chosen two years in advance of the time for the delivery of the lectures. The appointment of the lecturer shall be by the concurrent action of the founder of the lectureship during his life, the board of directors and the faculty of the said seminary.

"The funds shall be securely invested, and the interest of the same shall be devoted to the payment of the lecturer and to the publication of the lectures within a year after the delivery of the same.

"The copyright of the lectures shall be vested in the seminary."

APPENDIX

The following documents are printed to indicate: I. The possibilities of true reform. II. The plan actually adopted. III. The inconsistencies of the radicals in a pretended religious emancipation. IV. The final compromise and its defects.

I

MALOUET'S PROPOSALS. See p. 92

13 October, 1789

Je considère d'abord d'où proviennent les propriétés appelées *biens du clergé*. Qui est-ce qui a donné, qui est-ce qui a reçu, qui est-ce qui possède? Je trouve des fondateurs qui instituent, des églises qui reçoivent, des ecclésiastiques qui possèdent sous la protection de la loi. Je trouve que le droit du donateur n'est point contesté; qu'il a stipulé les conditions de sa donation avec une partie contractant l'engagement de les remplir; que toutes ces transactions ont reçu le sceau de la loi, et qu'il en résulte diverses dotations assignées aux frais du culte, à l'entretien de ses ministres, et au soulagement des pauvres.

Je trouve alors que ces biens sont une propriété nationale, en ce qu'ils appartiennent collectivement au culte et aux pauvres de la nation.

Mais chaque bénéficier n'en est pas moins possesseur légitime, en acquittant les charges et conditions de la fondation.

Or, la possession, la disposition des revenus, est la seule espèce de propriété qui puisse appartenir au sacerdoce, c'est la seule qu'il ait jamais réclamée.

Celle qui donne droit à l'aliénation, à la transmission du fonds par héritage ou autrement, ne saurait lui convenir, en ce qu'elle serait destructive des dotations de l'Église; et parce qu'elle a des propriétés effectives, il fallait bien qu'elles fussent inaliénables;

pour qu'elles ne devinssent pas excessives, il fallait bien en limiter l'étendue; mais comme l'incapacité d'acquérir n'est pas celle de posséder, l'édit de 1749 ne peut influer sur la solution de la question présente, et j'avoue qu'il me paraît extraordinaire qu'on emploie contre le clergé les titres même conservateurs de ses propriétés, ainsi que toutes les raisons, tous les motifs qui en composent le caractère légal.

Un des préopinants a dit que les corps étaient aptes à acquérir, à conserver des propriétés, mais qu'elles disparaissent avec leur existence; qu'ainsi le clergé, ne formant plus un ordre dans l'État, ne pouvait être aujourd'hui considéré comme propriétaire.

Mais il ne s'agit point ici de biens donnés à un corps. Les propriétés de l'Église sont subdivisées en autant de dotations distinctes que ses ministres ont de services à remplir; ainsi, lors même qu'il n'y aurait plus d'assemblée du clergé, tant qu'il y aura des paroisses, des évêchés, des monastères, chacun de ces établissements a une dotation propre qui peut être modifiée par la loi, mais non détruite autrement qu'en détruisant l'établissement.

C'est ici le lieu de remarquer que plusieurs des préopinants établissent des principes contradictoires, en tirant néanmoins les mêmes conséquences. Tantôt, en considérant le clergé comme un être moral, on a dit: *les corps n'ont aucun droit réel par leur nature, puis qu'ils n'ont pas même de nature propre,* ainsi le clergé ne saurait être propriétaire. Tantôt on le considère comme dissous, en qualité de corps, et on dit qu'il ne peut plus posséder aujourd'hui de la même manière qu'il possédait pendant son existence politique, qui lui donnait droit à la propriété.

Enfin, un troisième opinant a dit, dans une suite de faits, "que le clergé n'a jamais possédé comme corps; que chaque fondation avait eu pour objet un établissement et un service particuliers," et cette assertion est exacte. Mais je demande si l'on peut en conclure qu'il soit juste et utile que cet établissement, ce service et ceux qui le remplissent soient dépouillés de leur dotation? Or, c'est le véritable et la seule question qu'il faillait présenter, car celle de la propriété pour les usufruitiers n'est point problématique. Le clergé possède, voilà le fait. Ses titres sont sous la protection, sous la garde et la disposition de la nation; car elle dispose de tous les établissements publics, par le droit qu'elle a sur sa propre législation et sur le culte même qu'il lui plaît d'adopter; mais la nation n'exerce par elle-même ni ses droits de propriété, ni ceux de souveraineté; et de même que ses représentants ne pourraient disposer de la couronne qui lui appar-

tient, mais seulement régler l'exercice de l'autorité et des prérogatives royales, de même aussi ils ne pourraient, sans un mandat spécial, anéantir le culte public et les dotations qui lui sont assignées, mais seulement en régler mieux l'emploi, en réformer les abus, et disposer pour les besoins publics de tout ce qui se trouverait excédant au service des autels et au soulagement des pauvres.

Ainsi, Messieurs, l'aveu du principe que les biens du clergé sont une propriété nationale n'établit point les conséquences qu'on en voudrait tirer. Et comme il ne s'agit point ici d'établir une vaine théorie mais une doctrine pratique sur les biens ecclésiastiques, c'est sur ce principe même que je fonde mon opinion et un plan d'opérations différent de celui qui vous est présenté.

Le premier aperçu de la motion de M. l'évêque d'Autun m'a montré plus d'avantages que d'inconvénients; j'avoue que dans l'embarras où nous sommes, 1,800,000,000 disponibles au profit de l'État m'ont séduit; mais un examen plus réfléchi m'a fait voir, à côté d'une ressource fort exagérée des inconvénients graves, des injustices inévitables; et lorsque je me suis rappelé le jour mémorable où nous adjurâmes, au nom du Dieu de paix, les membres du clergé de s'unir à nous comme nos frères, de se confier à notre foi, j'ai frémi du sentiment douloureux qu'ils pouvaient éprouver et transmettre à leurs successeurs, en se voyant dépouillés de leurs biens par un décret auquel ils n'auraient pas consenti.

Que cette considération, Messieurs, dans les temps orageux où nous sommes, soit auprès de vous de quelque poids. C'est précisément parce qu'on entend dire d'un ton menaçant: *il faut prendre les biens du clergé*, que nous devons être plus disposés à les défendre, plus circonspects dans nos décisions. Ne souffrons pas qu'on impute quelque jour à la terreur, à la violence, des opérations qu'une justice exacte peut légitimer, si nous leur en imprimons le caractère, et qui seront plus profitables à l'État si nous substituons la réforme à l'invasion et les calculs de l'expérience à des spéculations incertaines.

La nation, Messieurs, en nous donnant ses pouvoirs, nous a ordonné de lui conserver sa religion et son Roi; il ne dépendrait pas plus de nous d'abolir le catholicisme en France que le gouvernement monarchique; mais la nation peut, s'il lui plaît, détruire l'un et l'autre non par des instructions partielles, mais par un vœu unanime, légal, solennel, exprimé dans toutes les subdivisions territoriales du royaume. Alors les représentants, organe de cette volonté, peuvent la mettre à exécution.

Cette volonté générale ne s'est point manifestée sur l'invasion des biens du clergé; devons-nous la supposer, la prévenir? Pouvons-nous résister à une volonté contraire de ne pas ébranler les fondements du culte public? pouvons-nous tout ce que peut la nation, et plus qu'elle ne pourrait?

Je m'arrête à cette dernière proposition, parce qu'en y répondant je réponds à toutes les autres.

S'il plaisait à la nation de détruire l'Église catholique en France, et d'y substituer une autre religion en disposant des biens actuels du clergé, la nation, pour être juste, serait obligée d'avoir égard aux intentions expresses des donateurs, comme on respecte en toute société celle du testateur; or ce qui a été donné à l'Église est, par indivis et par substitution, donné aux pauvres; ainsi tant qu'il y aura en France des hommes qui ont faim et soif, les biens de l'Église leur sont substitués par l'intention des testateurs, avant d'être reversibles au domaine national; ainsi, la nation, en détruisant même le clergé, et avant de s'emparer de ses biens pour toute autre destination, doit assurer dans tout son territoire, et par hypothèque spéciale sur ses biens, la subsistance des pauvres.

Je sais que ce moyen de défense de la part du clergé, très-légitime dans le droit, peut être attaqué dans le fait. Tous les possesseurs de bénéfices ne sont pas également charitables, tous ne font pas scrupuleusement le part des pauvres.

Eh bien! Messieurs faisons-la nous-mêmes. Les pauvres sont aussi nos créanciers dans l'ordre moral comme dans l'état social et politique. Le premier germe de corruption, dans un grand peuple, c'est la misère: le plus grand ennemi de la liberté, des bonnes mœurs, c'est la misère; et le dernier terme de l'avilissement, pour un homme libre, après le crime, c'est la mendicité. Detruisons ce fléau qui nous dégrade, et qu'à la suite de toutes nos dissertations sur les droits de l'homme, une loi de secours pour l'homme souffrant soit un des articles religieux de notre Constitution.

Les biens du clergé nous en offrent les moyens en conservant la dîme, qui ne peut être abandonnée dans le plan même de M. l'évêque d'Autun, et qui cesserait d'être odieuse au peuple, lorsqu'il y verrait la perspective d'un soulagement certain dans sa détresse.

Je ne développerai point ici le plan de secours pour les pauvres, tel que je le conçois dans toute son étendue; je remarquerai seulement qu'en réunissant sous un même régime, dans chaque province, les aumônes volontaires à des fonds assignés sur la percep-

tion des dîmes, on pourrait facilement soutenir l'industrie languissante, prévenir ou soulager l'indigence dans tout le royaume.

Et quelle opération plus importante, Messieurs, peut solliciter notre zèle? Cet établissement de première nécessité ne manque-t-il pas à la nation? les lois sur les propriétés remontent à la fondation des empires, et les lois en faveur de ceux qui ne possèdent rien sont encore à faire.

Je voudrais donc lier la cause des pauvres à celle des créanciers de l'État, qui auront une hypothèque encore plus assurée sur l'aisance générale du peuple français que sur les biens-fonds du clergé, et je voudrais surtout que les sacrifices à faire par ce corps respectable fussent tellement compatibles avec la dignité et les droits de l'Église, que ses représentants pussent y consentir librement.

Ces sacrifices deviennent nécessaires pour satisfaire à tous les besoins qui nous pressent, et je mets au premier rang de ces besoins le secours urgent à donner à la multitude d'hommes qui manquent de subsistance.

Ces sacrifices sont indispensables sous un autre rapport: si la sévérité des réformes ne s'étendait que sur le clergé, ce serait un abus de puissance révoltant; mais lorsque les premières places de l'administration et de l'armée seront réduites à des traitements modérés, lorsque les grâces non méritées, les emplois inutiles seront réformés, le clergé n'a point à se plaindre de subir la loi commune, loi salutaire, si nous voulons être libres.

Enfin, ces sacrifices sont justes; car au nombre des objections présentées contre le clergé, il en est d'une grande importance: c'est la compensation de l'impôt, dont il s'est affranchi pendant nombre d'années.

La liberté, Messieurs, est une plante précieuse qui devient un arbre robuste sur un sol fécondé par le travail et la vertu, mais qui languit et périt entre le luxe et la misère. Oui, certes, il faut réformer nos mœurs encore plus que nos lois, si nous voulons conserver cette grande conquête.

Mais s'il est possible, s'il est raisonnable de faire dès à présent dans l'emploi des biens ecclésiastiques d'utiles réformes, de dédoubler les riches bénéfices accumulés sur une même tête, de supprimer les abbayes à mesure qu'elles vaqueront, de réduire le nombre des évêchés, des chapitres, des monastères, des prieurés et de tous les bénéfices simples, l'aliénation générale des biens du clergé me paraît impossible. J'estime qu'elle ne serait ni juste, ni utile.

Si l'opération est partielle et successive à mesure des extinctions ou des réunions, je n'entends pas comment elle remplirait le plan de M. l'évêque d'Autun, comment pourraient s'effectuer le remplacement de la gabelle, le remboursement des offices de judicature, celui des anticipations, des payements arriérés qui exigent, pour nous mettre au courant, une somme de 400 millions. J'estime que toutes les ventes partielles et successives ne pourraient s'opérer en moins de trente années, en ne déplaçant pas violemment les titulaires et les usufruitiers actuels, et en observant de ne pas mettre à la fois en circulation une trop grande masse de biens-fonds, ce que en avilirait le prix.

L'opération sera-t-elle générale et subite? Je n'en conçois pas les moyens, à moins de congédier à la fois tous les bénéficiers, tous les religieux actuels, en leur assignant des pensions. Eh! qui pourrait acheter? Comment payer une aussi grande quantité de biens-fonds? On recevra, dit-on, des porteurs de créances sur le Roi; mais on ne fait pas attention qu'aussitôt que la dette publique sera consolidée, il n'y aura point de capitaux plus recherchés, parce qu'il n'y en aura pas de plus productifs; ainsi, peu de créanciers se présenteront comme adjudicataires.

Croit-on d'ailleurs que la liquidation des dettes de chaque corps ecclésiastique n'entraînera pas des incidents, des oppositions et des délais dans les adjudications, et que l'adoption d'un tel plan n'occasionnera pas très-promptement la dégradation de ces biens, par le découragement qu'éprouveraient les propriétaires, fermiers, exploitants actuels?

Si dans ce système il n'y avait ni difficulté ni injustice, relativement au clergé, c'en serait une, Messieurs, que de faire disparaître le patrimoine des pauvres, avant de l'avoir remplacé d'une manière certaine.

Qu'il me soit permis de rappeler ici toute la rigueur des principes; pouvons nous anéantir cette substitution solennelle des biens de l'Église en faveur des pauvres?

Pouvons-nous, sans être bien sûrs du vœu national, supprimer généralement tous les monastères, tous les ordres religieux, même ceux qui se consacrent à l'éducation de la jeunesse, aux soins des malades, et ceux qui par d'utiles travaux ont bien mérité de l'Église et de l'État? Pouvons-nous, politiquement et moralement, ôter tout espoir, tous moyens de retraite à ceux de nos concitoyens dont les principes religieux, ou les préjugés ou les malheurs, leur font envisager cet asile comme une consolation?

Pouvons-nous et devons-nous réduire les évêques, les curés, à

la qualité de pensionnaires? La dignité éminente des premiers, le ministère vénérable des pasteurs, n'exigent-ils pas de leur conserver, et à tous les ministres des autels, les droits et les signes distinctifs de citoyens, au nombre desquels est essentiellement la propriété?

Je crois, Messieurs, être en droit de répondre négativement à toutes ces questions.

1° L'aliénation générale des biens du clergé est une des plus grandes innovations politiques, et je crois que nous n'avons ni des pouvoirs, ni des motifs suffisants pour l'opérer.

On vous a déjà représenté qu'une guerre malheureuse, une invasion de l'ennemi, pourrait mettre en péril la subsistance des ecclésiastiques, lors qu'elle ne serait plus fondée sur des immeubles, et cette considération doit être d'un grand poids, relativement à l'Église, et relativement aux pauvres que lui sont affiliés.

On objecte que l'état ecclésiastique est une profession qui doit être salariée comme celle de magistrat, de militaire; mais on oublie que ces deux classes de citoyens ont assez généralement d'autres moyens de subsistance; que les soldats réduits à leur paye n'en sauraient manquer tant qu'ils sont armés.

Mais quelle sera la ressource des ministres des autels, si le Trésor public est dans l'impuissance de satisfaire à tout autre engagement que la solde de l'armée? et combien de chances malheureuses peuvent momentanément produire de tels embarras!

2° En vendant actuellement tous les biens du clergé, la nation se prive de la plus-value graduelle qu'ils acquerront par le laps de temps, et elle prépare, dans une proportion inverse, l'augmentation de ses charges.

3° Je doute que l'universalité du peuple français approuve l'anéantissement de tous les monastères sans distinction. La réforme, la suppression des ordres inutiles, des couvents trop nombreux, est nécessaire; mais peut-être que chaque province et même chaque ville désirera conserver une ou deux maisons de retraite pour l'un et l'autre sexe.

4° Il est impossible que chaque diocèse ne conserve au moins un séminaire, un chapitre et une maison de repos pour les curés et les vicaires qui ne peuvent continuer leur service.

Si l'on ajoutait à toutes ces considérations celle de l'augmentation nécessaire des portions congrues, et enfin, s'il vous paraît juste, comme je le pense, de ne déposséder aucun titulaire, non-seulement la vente générale des biens du clergé devient actuelle-

ment impossible, mais même dans aucun temps il ne serait profitable d'en aliéner au delà d'une somme déterminée, que j'estime éventuellement au cinquième ou au quart; et le remplacement de cette aliénation doit être rigoureusement fait au profit des pauvres dans des temps plus heureux; car selon tous les principes de la justice, de la morale et du droit positif, les biens du clergé ne sont disponibles que pour le culte public ou pour les pauvres.

Si ces observations sont, comme je le crois, démontrées, il en résulte:

1° Que, quoique les biens du clergé soient une propriété nationale, le Corps législatif ne peut, sans un mandat spécial, convertir en pensionnaire de l'État une classe de citoyens que la volonté intérieure et spéciale de la nation a rendus possesseurs de biens-fonds, à des charges et conditions déterminées.

2° Que l'emploi de ces biens peut être réglé par le Corps législatif, de telle manière qu'ils remplissent le mieux possible leur destination, qui est le culte public, l'entretien honorable de ses ministres et le soulagement des pauvres.

3° Que si, par la meilleure distribution de ces biens et par une organisation mieux entendue du corps ecclésiastique, les ministres de l'Église peuvent être entretenus et les pauvres secourus, de manière qu'il y ait un excédant, le Corps législatif peut en disposer pour les besoins pressants de l'État.

Maintenant, Messieurs, la transition de ces résultats à une opération définitive sur les biens du clergé est nécessairement un examen réfléchi des établissements ecclésiastiques actuellement subsistants, de ce qu'il est indispensable d'en conserver, de ce qu'il est utile de réformer.

Il faut ensuite fixer les dépenses du culte et de l'entretien des ministres, proportionellement à leur dignité, à leur service, et relativement encore à l'intention qu'ont eue les fondateurs des divers bénéfices. Cette fixation déterminée doit être comparée aux biens effectifs du clergé, leur produit en terres, rentes, maisons, et à leurs charges d'après des états authentiques.

Alors, Messieurs, après un travail exact et un classement certain des rentes et des dépenses, des individus, des établissements conservés, après avoir assigné dans de justes proportions, ce qu'il est convenable d'accorder aux grandes dignités et aux moindres ministères de l'Église, ce qui doit être réservé dans chaque canton pour l'assistance des pauvres; alors seulement vous connaîtrez tout ce que vous pouvez destiner aux besoins de l'État; mais ils sont actuellement si pressants, que j'ai cru pouvoir, par des opéra-

tions provisoires, déterminer une somme de secours, soit pour les pauvres, soit pour les dépenses publiques.

En estimant à 160 millions, y compris les dîmes, le revenu du clergé, je pense que les réformes, suppressions et réductions possibles permettent de prélever une somme annuelle de 30 millions pour les pauvres, et une aliénation successive de 400 millions d'immeubles, qui serait, dès ce moment-ci, le gage d'une somme pareille de crédit ou d'assignation.

Cette ressource étant estimée suffisante, d'après le rapport du comité des finances, pour éteindre toutes les anticipations et arrérages de payement, et la balance étant ainsi rétablie avec avantage entre la recette et la dépense, la vente des domaines libres et la surtaxe en plus-value de ceux engagés faciliteraient tous les plans d'amélioration dans le régime des impôts, et suffiraient en partie au remboursement des offices de judicature.

Je résumerai donc dans les articles suivants les dispositions que je crois actuellement praticables relativement aux biens du clergé.

J'observe que je n'entre dans aucun des détails qui doivent être l'objet du travail de la commission ecclésiastique, tels que l'augmentation indispensable des portions congrues; mais on concevra qu'elle ne peut s'effectuer actuellement que par des réductions sur les jouissances des grands bénéficiers.

La manière d'opérer ces réductions ne doit point être arbitraire ni violente; il me semble que, sans déposséder aucuns titulaires, on peut établir des fixations précises de revenus sur toutes les classes du ministère ecclésiastique, et tout ce qui excéderait cette fixation sera payé en contributions, soit pour le Trésor public, soit pour toute autre destination.

Articles Proposés

Art. 1er. Les biens du clergé sont une propriété nationale dont l'emploi sera réglé conformément à sa destination, qui est le service des autels, l'entretien des ministres et le soulagement des pauvres.

Art. 2. Ces objets remplis, l'excédant sera consacré aux besoins de l'État, à la décharge de la classe la moins aisée des citoyens.

Art. 3. Pour connaître l'excédant des biens du clergé disponible et applicable aux besoins publics, il sera formé une commission ecclésiastique, à l'effet de déterminer le nombre d'évêchés, cures, chapitres, séminaires et monastères qui doivent être conservés,

et pour régler la quantité de biens-fonds, maisons et revenus qui doivent être assignés à chacun de ces établissements.

Art. 4. Tout ce qui ne sera pas jugé utile au service divin et à l'instruction des peuples sera supprimé, et les biens-fonds, rentes, mobiliers et immeubles desdits établissements seront remis à l'administration des provinces dans lesquelles ils sont situés.

Art. 5. En attendant l'effet des dispositions précédantes, et pour y concourir, il sera sursis à la nomination de toutes les abbayes, canonicats et bénéfices simples, dépendant des collateurs particuliers, jusqu'à ce que le nombre des chapitres et celui des prébendes à conserver soit déterminé.

Art. 6. Il est aussi défendu à tous les ordres religieux des deux sexes de recevoir des novices, jusqu'à ce que chaque province ait fait connaître le nombre de monastères qu'elle désire conserver.

Art. 7. La conventualité de chaque monastère de l'un et l'autre sexe sera fixée à douze profès, et il sera procédé à la réunion de toutes les maisons d'un même ordre, qui n'auront pas le nombre de profès prescrit par le présent article; les maisons ainsi vacantes par réunion seront remises à l'administration des provinces.

Art. 8. Tous les bâtiments et terrains, autres que ceux d'habitation, non compris dans les biens ruraux des églises, monastères, hôpitaux et bénéfices quelconques seront, dès à présent, vendus par les administrations provinciales, et il sera tenu compte de leur produit, à raison de 5%, à ceux desdits établissements qui seront conservés: le prix des immeubles ainsi vendus sera conservé dans la caisse nationale; et lors de l'extinction des rentes consenties pour raison desdites aliénations, la somme en sera employée à la décharge des contribuables de la même province qui auront moins de 100 écus de rente.

Art. 9. Aucun autre bien vacant par l'effet des dispositions ci-dessus ne pourra être mis en vente jusqu'à ce qu'il ait été pourvu dans chaque province à la dotation suffisante de tous les établissements ecclésiastiques, à l'augmentation des portions congrues, et à la fondation, dans chaque ville et bourg, d'une caisse de charité pour le soulagement des pauvres.

Art. 10. Aussitôt qu'il aura été pourvu à toutes les dotations et fondations énoncées ci-dessus, les dimes dont jouissent les différents bénéficiers cesseront de leur être payées, et continueront jusqu'à nouvel ordre à être perçues par les administrations provinciales, et municipales en déduction des charges imposées aux classes les moins aisées de citoyens.

Art. 11. Il sera prélevé sur le produit des dîmes et des biens du clergé réunis aux administrations provinciales une somme annuelle de 26 millions pour faire face aux intérêts de la dette ancienne du clergé, et d'un nouveau crédit de 400 millions, lequel sera ouvert incessamment, avec hypothèque spéciale sur la totalité des biens ecclésiastiques.

II

CIVIL CONSTITUTION OF THE CLERGY. See p. 126

12 July, 1790

L'Assemblée nationale, après avoir entendu le rapport de son Comité ecclésiastique, a décrété et décrète ce qui suit, *comme articles constitutionnels:*

TITRE PREMIER

Des offices ecclésiastiques

Article Premier. Chaque département formera un seul diocèse, qui aura la même étendue et les mêmes limites que le département.

Art. 2. Les sièges des évêchés des quatre-vingt-trois départements du royaume seront fixés, à savoir: (Here follows a list of the towns in which the bishops have their residences.)

Tous les autres évêchés existant dans les quatre-vingt-trois départements du royaume, et qui ne sont pas nommément compris au présent article, sont et demeurent supprimés.

Art. 3. Le royaume sera divisé en dix arrondissements métropolitains, dont les sièges seront: Rouen, Reims, Besançon, Rennes, Paris, Bourges, Bordeaux, Toulouse, Aix et Lyon.

Ces métropoles auront la dénomination suivante:

Celle de Rouen sera appelée. métropole des côtes de la Manche
Celle de Reims..... métropole du Nord-Est
Celle de Besançon..... métropole de l'Est
Celle de Rennes..... métropole du Nord-Ouest
Celle de Paris..... métropole de Paris
Celle de Bourges..... métropole du Centre

Celle de Bordeaux..... métropole du Sud-Ouest
Celle de Toulouse..... métropole du Sud
Celle d'Aix..... métropole des côtes de la Méditerranée
Celle de Lyon..... métropole du Sud-Est

Art. 4. L'arrondissement de la métropole des côtes de la Manche comprendra les évêchés des départements de la Seine-Inférieure, du Calvados, de la Manche, de l'Orne, de l'Eure, de l'Oise, de la Somme, du Pas-de-Calais.

L'arrondissement de la métropole du Nord-Est comprendra les évêchés des départements de la Marne, de la Meuse, de la Meurthe, de la Moselle, des Ardennes, de l'Aisne, du Nord.

L'arrondissement de la métropole de l'Est comprendra les évêchés des départements du Doubs, du Haut-Rhin, du Bas-Rhin, des Vosges, de la Haute-Saône, de la Haute-Marne, de la Côte-d'Or, du Jura.

L'arrondissement de la métropole du Nord-Ouest comprendra les évêchés des départements de l'Ille-et-Vilaine, des Côtes-du-Nord, du Finistère, du Morbihan, de la Loire-Inférieure, de Mayenne-et-Loire, de la Sarthe, de la Mayenne.

L'arrondissement de la métropole de Paris comprendra les évêchés de Paris, de Seine-et-Oise, d'Eure-et-Loir, du Loiret, de l'Yonne, de l'Aube, de Seine-et-Marne.

L'arrondissement de la métropole du Centre comprendra les évêchés du département du Cher, de Loir-et-Cher, de l'Indre-et-Loire, de la Vienne, de l'Indre, de la Creuse, de l'Allier, de la Nièvre.

L'arrondissement de la métropole du Sud-Ouest comprendra les évêchés des départements de la Gironde, de la Vendée, de la Charente-Inférieure, des Landes, du Lot-et-Garonne, de la Dordogne, de la Corrèze, de la Haute-Vienne, de la Charente et des Deux-Sèvres.

L'arrondissement de la métropole du Sud comprendra les évêchés des départements de la Haute-Garonne, du Gers, des Basses-Pyrénées, des Hautes-Pyrénées, de l'Ariège, des Pyrénées-Orientales, de l'Aude, de l'Aveyron, du Lot, du Tarn.

L'arrondissement de la métropole des côtes de la Méditerranée comprendra les évêchés des départements des Bouches-du-Rhône, de la Corse, du Var, des Basses-Alpes, des Hautes-Alpes, de la Drôme, de la Lozère, du Gard et de l'Hérault.

L'arrondissement de la métropole du Sud-Est comprendra les

évêchés des départements de Rhône-et-Loire, du Puy-de-Dôme, du Cantal, de la Haute-Loire, de l'Ardèche, de l'Isère, de l'Ain, de Saône-et-Loire.

Art. 5. Il est défendu à toute église ou paroisse de France et à tout citoyen français, de reconnaître en aucun cas, et sous quelque prétexte que ce soit, l'autorité d'un évêque, ordinaire ou métropolitain, dont le siège serait établi sous la domination d'une puissance étrangère, ni celle de ses délégués résidant en France ou ailleurs: le tout sans préjudice de l'unité de foi et de la communion qui sera entretenue avec le chef visible de l'Église universelle, ainsi qu'il sera dit ci-après.

Art. 6. Lorsque l'évêque diocésain aura prononcé dans son synode sur des matières de sa compétence, il y aura lieu au recours au métropolitain, lequel prononcera dans le synode métropolitain.

Art. 7. Il sera procédé incessamment, et sur l'avis de l'évêque et de l'administration des districts, à une nouvelle formation et circonscription de toutes les paroisses du royaume. Le nombre et l'étendue en seront déterminés d'après les règles qui vont être établies.

Art. 8. L'église cathédrale de chaque diocèse sera ramenée à son état primitif d'être en même temps église paroissiale et église épiscopale, par la suppression des paroisses et le démembrement des habitations qu'il sera jugé convenable d'y réunir.

Art. 9. La paroisse épiscopale n'aura pas d'autre pasteur immédiat que l'évêque; tous les prêtres qui y seront établis seront ses vicaires et en feront les fonctions.

Art. 10. Il y aura seize vicaires de l'église cathédrale dans les villes qui comprendront plus de 10,000 âmes, et douze seulement dans celles où la population sera au-dessous de 10,000 âmes.

Art. 11. Il sera conservé ou établi dans chaque diocèse un seul séminaire pour la préparation aux ordres, sans entendre rien préjuger, quant à présent, sur les autres maisons d'instruction et d'éducation.

Art. 12. Le séminaire sera établi, autant que faire se pourra, près de l'église cathédrale et même dans l'enceinte des bâtiments destinés à l'habitation de l'évêque.

Art. 13. Pour la conduite et l'instruction des jeunes élèves reçus dans le séminaire, il y aura un vicaire supérieur et trois vicaires directeurs subordonnés à l'évêque.

Art. 14. Les vicaires supérieurs et vicaires directeurs seront tenus d'assister avec les jeunes élèves ecclésiastiques du séminaire

à tous les offices de la paroisse cathédrale et d'y faire toutes les fonctions dont l'évêque et son vicaire jugeront à propos de les charger.

Art. 15. Les vicaires des églises cathédrales, les vicaires supérieurs et vicaires directeurs du séminaire formeront ensemble le conseil habituel et permanent de l'évêque, qui ne pourra faire aucun acte de juridiction, en ce qui concerne le gouvernement du diocèse et du séminaire, qu'après en avoir délibéré avec eux. Pourra néanmoins l'évêque, dans le cours de ses visites, rendre seul telles ordonnances provisoires qu'il appartiendra.

Art. 16. Dans toutes les villes et bourgs qui ne comprendront pas plus de 6000 âmes, il n'y aura qu'une seule paroisse; les autres paroisses seront supprimées et réunies à l'église principale.

Art. 17. Dans les villes où il y aura plus de 6000 âmes, chaque paroisse pourra comprendre un plus grand nombre de paroissiens, et il en sera conservé autant que les besoins des peuples et des localités le demanderont.

Art. 18. Les assemblées administratives, de concert avec l'évêque diocésain, désigneront à la prochaine législature les paroisses, annexes ou succursales des villes ou des campagnes qu'il conviendra de réserver ou d'étendre, d'établir ou de supprimer, et ils en indiqueront les arrondissements, d'après ce que demanderont les besoins des peuples, la dignité du culte et les différentes localités.

Art. 19. Les assemblées législatives et l'évêque diocésain pourront même, après avoir arrêté entre eux la suppression et réunion d'une paroisse, convenir que, dans les lieux écartés, ou qui, pendant une partie de l'année, ne communiqueraient que difficilement avec l'église paroissiale, il sera établi ou conservé une chapelle, où le curé enverra les jours de fêtes et dimanches un vicaire pour y dire la messe et faire au peuple les instructions nécessaires.

La réunion qui pourra se faire d'une paroisse à une autre emportera toujours la réunion des biens de la fabrique de l'église supprimée à la fabrique de l'église où se fera la réunion.

Art. 20. Tous titres et offices, autres que ceux mentionnés en la présente constitution, les dignités, canonicats, prébendes, demi-prébendes, chapelles, chapellenies, tant des églises cathédrales que des église collégiales, et tous chapitres, réguliers et séculiers, de l'un et l'autre sexe, les abbayes et prieurés en règle ou en commende, aussi de l'un et l'autre sexe, et tous autres bénéfices et prestimonies généralement quelconques, de quelque nature et sous quelque dénomination que ce soit, sont, à compter du jour de la

publication du présent décret, éteints et supprimés, sans qu'il puisse jamais en être établis de semblables.

Art. 21. Tous les bénéfices en patronage laïque sont soumis à toutes les dispositions des décrets concernant les bénéfices de pleine collation ou de patronage ecclésiastique.

Art. 22. Sont pareillement compris auxdites dispositions tous titres et fondations de pleine collation laïcale, excepté les chapelles actuellement desservies dans l'enceinte des maisons particulières par un chapelain ou desservant, à la seule disposition du propriétaire.

Art. 23. Le contenu dans les articles précédents aura lieu, nonobstant toutes clauses, même de reversion, apposées dans les actes de fondation.

Art. 24. Les fondations de messes et autres services acquittés présentement dans les églises paroissiales par les curés et par les prêtres qui y sont attachés, sans être pourvus de leurs places en titre perpétuel de bénéfices, continueront provisoirement à être acquittés et payés comme par le passé, sans néanmoins que, dans les églises où il est établi des sociétés de prêtres non pourvus du titre perpétuel de bénéfices et connus sous les divers noms de filleuls, agrégés, familiers, communalistes, mipartistes, chapelains ou autres, ceux d'entre eux qui viendront à mourir ou à se retirer puissent être remplacés.

Art. 25. Les fondations faites pour subvenir à l'éducation des parents des fondateurs continueront d'être exécutées, conformément aux dispositions écrites dans les titres et fondations, et, à l'égard des autres fondations pieuses, les parties intéressées présenteront leurs mémoires aux assemblées de département, pour, sur leur avis et celui de l'évêque diocésain, être statué par le corps législatif sur leur conservation ou leur remplacement.

TITRE II

Nomination aux offices ecclésiastiques

Article Premier. A compter du jour de la publication du présent décret, on ne connaîtra qu'une seule manière de pourvoir aux évêchés et aux cures, c'est à savoir la forme des élections.

Art. 2. Toutes les élections se feront par la voie du scrutin et à la pluralité absolue des suffrages.

Art. 3. L'élection des évêques se fera dans la forme prescrite

et par le corps électorale indiqué dans le décret du 22 décembre 1789, pour la nomination des membres de l'assemblée du Département.

Art. 4. Sur la première nouvelle que le procureur général syndic du département recevra de la vacance du siège épiscopal, par mort, démission ou autrement, il en donnera avis aux procureurs syndics des districts, à l'effet par eux de convoquer les électeurs qui auront procédé à la dernière nomination des membres de l'Assemblée administrative, et, en même temps, il indiquera le jour où se devra fairs l'élection de l'évêque, lequel sera, au plus tard, le troisième dimanche après la lettre d'avis qu'il écrira.

Art. 5. Si la vacance du siège épiscopal arrivait dans les quatre derniers mois de l'année où doit se faire l'élection des membres de l'administration de département, l'élection de l'évêque serait différé et renvoyé à la prochaine assemblée des électeurs.

Art. 6. L'élection de l'évêque ne pourra se faire ou être commencée qu'un jour de dimanche, dans l'église principale du chef-lieu du département, à l'issue de la messe paroissiale à laquelle seront tenus d'assister tous les électeurs.

Art. 7. Pour être éligible à un évêché, il sera nécessaire d'avoir rempli, au moin pendant quinze ans, les fonctions du ministère ecclésiastique dans le diocèse en qualité de curé, de desservant ou de vicaire, ou comme vicaire supérieur, ou comme vicaire directeur du séminaire.

Art. 8. Les évêques dont les sièges sont supprimés par le présent décret pourront être élus aux évêchés actuellement vacants, ainsi qu'à ceux qui vaqueront par la suite, ou qui sont érigés en quelques départements, encore qu'ils n'eussent pas quinze années d'exercice.

Art. 9. Les curés et autres ecclésiastiques qui, par l'effet de la nouvelle circonscription des diocèses, se trouveront dans un diocèse différent de celui où ils exerçaient leurs fonctions, seront réputés les avoir exercées dans leur nouveau diocèse, et ils y seront en conséquence éligibles, pourvu qu'ils aient d'ailleurs le temps d'exercice ci-devant exigé.

Art. 10. Pourront aussi être élus, les curés actuels qui auraient dix années d'exercice dans une cure du diocèse, encore qu'ils n'eussent pas auparavant rempli les fonctions de vicaire.

Art. 11. Il en sera de même des curés dont les paroisses auraient été supprimées, en vertu du présent décret; et il leur sera compté, comme temps d'exercice, celui qui se sera écoulé depuis la suppression de leur cure.

Art. 12. Les missionnaires, les vicaires généraux des évêques, les ecclésiastiques desservant les hôpitaux, ou chargés de l'éducation publique, seront pareillement éligibles, lorsqu'ils auront rempli leurs fonctions pendant quinze ans à compter de leur promotion au sacerdoce.

Art. 13. Seront pareillement éligibles, les dignitaires, chanoines, et en général tous bénéficiers et titulaires qui étaient obligés à résidence, ou exerçaient des fonctions ecclésiastiques, et dont les bénéfices, titres, offices ou emplois se trouvent supprimés par le présent décret, lorsqu'ils auront quinze années d'exercice comptées, comme il est dit des curés dans l'article 11.

Art. 14. La proclamation de l'élu se fera par le président de l'assemblée électorale dans l'église où l'élection aura été faite, en présence du peuple et du clergé et avant de commencer la messe solennelle qui sera célébrée à cet effet.

Art. 15. Le procès-verbal de l'élection et de la proclamation sera envoyé au roi par le président de l'assemblée des électeurs, pour donner à Sa Majesté connaissance du choix qui aura été fait.

Art. 16. Au plus tard dans le mois qui suivra son élection, celui qui aura été élu à un évêché se présentera en personne à son évêque métropolitain, et s'il est élu pour le siège de la métropole, au plus ancien évêque de l'arrondissement, avec le procès-verbal d'élection, et il le suppliera de lui accorder la confirmation canonique.

Art. 17. Le métropolitain ou l'ancien évêque aura la faculté d'examiner l'élu en présence de son conseil, sur sa doctrine et ses mœurs; s'il le juge capable, il lui donnera l'institution canonique; s'il croit devoir la lui refuser, les causes du refus seront données par écrit, signées du métropolitain et de son conseil, sauf aux parties intéressées à se pourvoir par voie d'appel comme d'abus, ainsi qu'il sera dit ci-après.

Art. 18. L'évêque, à qui la confirmation sera demandée, ne pourra exiger de l'élu d'autre serment, sinon qu'il fait profession de la religion catholique, apostolique et romaine.

Art. 19. Le nouvel évêque ne pourra s'adresser au pape pour en obtenir aucune confirmation, mais il lui écrira comme au chef visible de l'Église universelle, en témoignage de l'unité de foi et de la communion qu'il doit entretenir avec lui.

Art. 20. La consécration de l'évêque ne pourra se faire que dans son église cathédrale, par son métropolitain, ou, à son défaut, par le plus ancien évêque de l'arrondissement de la métropole assisté des évêques des deux diocèses les plus voisins, un

jour de dimanche, pendant la messe paroissiale, en présence du peuple et du clergé.

Art. 21. Avant que la cérémonie de la consécration commence, l'élu prêtera, en présence des officiers municipaux, du peuple et du clergé, le serment solennel de veiller avec soin sur les fidèles du diocèse qui lui est confié, d'être fidèle à la nation, à la loi et au roi, et de maintenir de tout son pouvoir la Constitution décrété par l'Assemblée nationale et sanctionnée par le roi.

Art. 22. L'évêque aura la liberté de choisir les vicaires de son église cathédrale dans tout le clergé de son diocèse, à la charge par lui de ne pouvoir nommer que des prêtres qui auront exercé des fonctions ecclésiastiques au moins pendant dix ans; il ne pourra les destituer que de l'avis de son conseil, et par une délibération qui y aura été prise à la pluralité des voix en connaissance de cause.

Art. 23. Les curés actuellement établis en aucune église cathédrale, ainsi que ceux des paroisses qui seront supprimées, pour être réunies à l'église cathédrale et en former le territoire, seront de plein droit, s'ils le demandent, les premiers vicaires de l'évêque, chacun suivant l'ordre de leur ancienneté dans les fonctions pastorales.

Art. 24. Les vicaires supérieurs et vicaires directeurs de séminaire seront nommés par l'évêque et son conseil, et ne pourront être destitués que de la même manière que les vicaires de l'église cathédrale.

Art. 25. L'élection des curés se fera dans la forme prescrite et par les électeurs indiqués dans le décret du 22 décembre 1789 pour la nomination des membres de l'assemblée administrative du district.

Art. 26. L'assemblée des électeurs pour la nomination aux cures se formera tous les ans à l'époque de la formation des assemblées de district, quand même il y aurait une seule cure vacante dans le district, à l'effet de quoi les municipalités seront tenues de donner avis au procureur syndic du district de toutes les vacances de cures qui arriveront dans leur arrondissement par mort, démission ou autrement.

Art. 27. En convoquant l'assemblée des électeurs, le procureur syndic enverra à chaque municipalité la liste de toutes les cures auxquelles il faudra nommer.

Art. 28. L'élection des curés se fera par scrutins séparés pour chaque cure vacante.

Art. 29. Chaque électeur, avant de mettre son bulletin dans le

vase du scrutin, fera serment de ne nommer que celui qu'il aura choisi en son âme et conscience, comme le plus digne, sans y avoir été déterminé par dons, promesses, sollicitations ou menaces. Ce serment sera prêté pour l'élection des évêques comme pour celle des curés.

Art. 30. L'élection des curés ne pourra se faire ou être commencée qu'un jour de dimanche, dans la principale église du chef-lieu du district, à l'issue de la messe paroissiale, à laquelle tous les électeurs seront tenus d'assister.

Art. 31. La proclamation des élus sera faite par le président du corps électoral dans l'église principale, avant la messe solennelle qui sera célébrée à cet effet, et en présence du peuple et du clergé.

Art. 32. Pour être éligible à une cure, il sera nécessaire d'avoir rempli les fonctions de vicaire dans une paroisse, ou dans un hôpital et autre maison de charité du diocèse, au moins pendant cinq ans.

Art. 33. Les curés dont les paroisses seront supprimées en exécution du présent décret pourront être élus, encore qu'ils n'eussent pas cinq années d'exercice dans le diocèse.

Art. 34. Seront pareillement éligibles aux cures, tous ceux qui ont été ci-dessus déclarés éligibles aux évêchés, pourvu qu'ils aient aussi cinq années d'exercice.

Art. 35. Celui qui aura été proclamé élu à une cure se présentera en personne à l'évêque avec le procès-verbal de son élection et proclamation, à l'effet d'obtenir de lui l'institution canonique.

Art. 36. L'évêque aura la faculté d'examiner l'élu en présence de son conseil sur sa doctrine et ses mœurs; s'il le juge capable, il lui donnera l'institution canonique; s'il croit devoir la lui refuser, les causes du refus seront données, par écrit, signées de l'évêque et de son conseil, sauf aux parties le recours à la puissance civile, ainsi qu'il sera dit ci-après.

Art. 37. En examinant l'élu qui lui demandera l'institution canonique, l'évêque ne pourra exiger de lui d'autre serment, sinon qu'il fait profession de la religion catholique, apostolique et romaine.

Art. 38. Les curés, élus et institués, prêteront le même serment que les évêques dans leur église un jour de dimanche, avant la messe paroissiale, en présence des officiers municipaux du lieu, du peuple et du clergé; jusque-là, ils ne pourront faire aucune fonction curiale.

Art. 39. Il y aura, tant dans l'église cathédrale que dans chaque église paroissiale, un registre particulier sur lequel le secrétaire-greffier de la municipalité du lieu écrira, sans frais, le procès-verbal de la prestation de serment de l'évêque ou du curé; il n'y aura pas d'autre acte de prise de possession que ce procès-verbal.

Art. 40. Les évêchés et les cures seront réputés vacants jusqu'à ce que les élus aient prêté le serment ci-dessus mentionné.

Art. 41. Pendant les vacances du siège épiscopal, le premier, et, à son défaut, le second vicaire de l'église cathédrale, remplacera l'évêque, tant pour les fonctions curiales que pour les actes de juridiction qui n'exigent pas le caractère épiscopal; mais, en tout, il sera tenu de se conduire par les avis du conseil.

Art. 42. Pendant les vacances d'une cure, l'administration de la paroisse sera confiée au premier vicaire, sauf à y établir un vicaire de plus, si la municipalité le requiert; et dans le cas où il n'y aurait pas de vicaire dans la paroisse, il y sera établi un desservant par l'évêque.

Art. 43. Chaque curé aura le droit de choisir ses vicaires; mais il ne pourra fixer son choix que sur les prêtres ordonnés et admis dans la diocèse de l'évêque.

Art. 44. Aucun curé ne pourra révoquer ses vicaires que pour les causes légitimes jugées telles par l'évêque et son conseil.

TITRE III

Du traitement des ministres de la religion

Article Premier. Les ministres de la religion exerçant les premières et les plus importantes fonctions de la société, et obligés de résider continuellement dans le lieu du service auquel la confiance des peuples les a appelés, seront défrayés par la nation.

Art. 2. Il sera fourni, à chaque évêque, à chaque curé et aux desservants des annexes et succursales, un logement convenable, à la charge par eux d'y faire toutes les réparations locatives, sans entendre rien innover, quant à présent, à l'égard des paroisses et par les curés. Il leur sera, en outre, assigné à tous le traitement qui va être réglé.

Art. 3. Le traitement des évêques sera, savoir:

Pour l'évêque de Paris, de 50,000 livres;

Pour les évêques des villes dont la population est de 50,000 âmes et au-dessus, de 20,000 livres;

Pour tous les autres évêques, de 12,000 livres.

Art. 4. Le traitement des églises cathédrales sera, savoir:

A Paris, pour le premier vicaire, de 6000 livres;

Pour le second, de 4000 livres;

Pour les autres vicaires, de 3000 livres.

Dans les villes dont la population est de 50,000 âmes et au-dessus:

Pour le premier vicaire, de 4000 livres;

Pour le second, de 3000 livres;

Pour touts les autres, de 2400 livres.

Dans les villes dont la population est de moins de 50,000 âmes:

Pour le premier vicaire, de 3000 livres;

Pour le second, de 2400 livres;

Pour touts les autres, de 2000 livres.

Art. 5. Le traitement des curés sera, savoir:

A Paris, de 6000 livres;

Dans les villes dont la population est de 50,000 âmes et au-dessus, de 4000 livres;

Dans celles où la population est de moins de 50,000 âmes et de plus de 10,000 âmes, de 3000 livres;

Dans les villes, dans les bourgs dont la population est au-dessous de 10,000 âmes et au-dessus de 3000 âmes, de 2400 livres;

Dans tous les autres villes et bourgs, et dans les villages, lorsque la paroisse offrira une population de 3000 âmes et au-dessous jusqu'à 2500, de 2000 livres; lorsqu'elle en offrira une de 2500 âmes jusqu'à 2000, de 1800 livres; lorsqu'elle en offrira une de moins de 2000 et de plus de 1000, de 1500 livres, et lorsqu'elle en offrira une de 1000 âmes et au-dessous, de 1200 livres.

Art. 6. Le traitement des vicaires sera, savoir: à Paris, pour le premier vicaire, de 2400 livres; pour le second, de 1500 livres, et, pour tous les autres, de 800 livres.

Dans les villes où la population est de 50,000 âmes et au-dessus, pour le premier vicaire, de 1200 livres; pour le second, de 1000 livres, et pour tous les autres, de 800 livres.

Dans tous les autres villes et bourgs, où la population sera de plus de 3000 âmes, de 800 livres pour les deux premiers vicaires, de 700 livres pour tous les autres.

Dans toutes les autres paroisses de ville et de campagne, de 700 livres pour chaque vicaire.

Art. 7. Le traitement en argent des ministres de la religion leur sera payé d'avance, de trois mois en trois mois, par le trésorier du district, à peine pour lui d'y être contraint par corps,

sur une simple sommation; et dans le cas où l'évêque, curé ou vicaire, viendrait à mourir ou à donner sa démission, avant la fin du quartier, il ne pourra être exercé, contre lui ni contre ses héritiers, aucune répétition.

Art. 8. Pendant la vacance des évêchés, des cures et de tous offices ecclésiastiques, payés par la nation, les fruits du traitement qui y est attaché seront versés dans la caisse du district, pour subvenir aux dépenses dont il va être parlé.

Art. 9. Les curés qui, à cause de leur grand âge ou de leurs infirmités, ne pourraient plus vaquer à leurs fonctions, en donneront avis au directoire du département qui, sur les instructions de la municipalité et de l'administration du district, laissera à leur choix, s'il y a lieu, ou de prendre un vicaire de plus, lequel sera payé par la nation, sur le même pied que les autres vicaires, ou de se retirer avec une pension égale au traitement qui aurait été fourni au vicaire.

Art. 10. Pourront aussi les vicaires, aumôniers des hôpitaux, supérieurs des séminaires et tous autres exerçant les fonctions publiques, en faisant constater leur état de la manière qui vient d'être prescrite, se retirer avec une pension de la valeur du traitement dont ils jouissaient, pourvu qu'il n'excède pas la somme de 800 livres.

Art. 11. La fixation qui vient d'être faite du traitement des ministres de la religion aura lieu à compter du jour de la publication du présent décret; mais seulement pour ceux qui seront pourvous, par la suite, d'offices ecclésiastiques. A l'égard des titulaires actuels, soit ceux dont les offices sont conservés, leur traitement sera fixé par un décret particulier.

Art. 12. Au moyen du traitement qui leur est assuré par la présente constitution, les évêques, les curés et leurs vicaires exerceront gratuitement les fonctions épiscopales et curiales.

TITRE IV

De la loi de la résidence

Article Premier. La loi de la résidence sera régulièrement observée; et tous ceux qui seront revêtus d'un office ou emploi ecclésiastique y seront soumis sans aucune exception ni distinction.

Art. 2. Aucun évêque ne pourra s'absenter, chaque année, pendant plus de quinze jours consécutifs, hors de son diocèse, que

dans le cas d'une véritable nécessité, et avec l'agrément du directoire du département dans lequel son siège sera établi.

Art. 3. Ne pourront pareillement les curés et les vicaires s'absenter du lieu de leurs fonctions, au delà du terme qui vient d'être fixé, que pour des raisons graves, et même, en ce cas, seront tenus les curés d'obtenir l'agrément tant de leur évêque que du directoire de leur district; les vicaires, la permission de leur curé.

Art. 4. Si un évêque ou un curé s'écartait de la loi de la résidence, la municipalité du lieu en donnerait avis au procureur général syndic du département, qui l'avertirait par écrit de rentrer dans son devoir, et, après sa seconde monition, le poursuivrait pour le faire déclarer déchu de son traitement pour tout le temps de son absence.

Art. 5. Les évêques, les curés, les vicaires, ne pourront accepter de charges, d'emplois, ou de commissions qui les obligeraient de s'éloigner de leur diocèse ou de leur paroisse, ou qui les enlèveraient aux fonctions de leur ministère, et ceux qui en sont actuellement pourvus seront tenus de faire leur option dans le délai de trois mois, à compter de la notification qui leur sera faite du présent décret, par le procureur général syndic de leur département, sinon et après l'expiration de leur délai leur office sera réputé vacant, et il leur sera donné un successeur en la forme ci-dessus prescrite.

Art. 6. Les évêques, les curés et les vicaires pourront, comme citoyens actifs, assister aux assemblées primaires et électorales, y être nommés électeurs, députés aux législatures, élus membres du conseil général de la commune et du conseil des administrations du district et des départements. Mais leurs fonctions sont déclarées incompatibles avec celles de maires et autres officiers municipaux et des membres des directoires de district et de département; et, s'ils étaient nommés, ils seraient tenus de faire leur option.

Art. 7. L'incompatibilité mentionnée dans l'article 6 n'aura effet que pour l'avenir, et si aucuns évêques, curés ou vicaires ont été appelés par les vœux de leurs concitoyens aux offices de maire, et autres municipaux, ou nommés membres des directoires de district et de département, ils pourront continuer d'en exercer les fonctions.

C.-F. de Bonnay, président.
P. de Delley, Robespierre, Populus, Dupont (de Nemours), Garat aîné, Regnault (de Saint-Angély), secrétaires.

III

ATTITUDE OF THE CONVENTION

In its public manifesto of December 5, 1794, the Convention asserted:

"Vos maîtres vous disent que la nation française a proscrit toutes les religions, qu'elle a substitué le culte de quelques hommes à celui de la Divinité. Ils nous peignent à vos yeux comme un peuple idolâtre ou insensé. Ils mentent. Le peuple français et ses représentants respectent la liberté de tous les cultes et n'en proscrivent aucun. Ils honorent la vertu des martyrs de l'humanité, sans engouement et sans idolâtrie; ils abhorrent l'intolérance et la superstition, de quelques prétextes qu'elles se couvrent; ils condamnent les extravagances du philosophisme comme les folies de la superstition et comme les crimes du fanatisme."

On the seventh it passed the following law:

"La Convention nationale, considérant ce qui exigent d'elle les principes qu'elle a proclamés au nom du peuple français et le maintien de la tranquillité publique, décrète:

Article Premier. Defend toutes violences ou mesures contraires à la liberté;

Art. 2. La surveillance des autorités constituées et l'action de la force publique se renfermeront, à cet égard, chacune pour ce qui les concerne, dans les mesures de police et sureté publique;

Art. 3. La Convention, par les dispositions précédentes, n'entend déroger en aucune manière aux lois répressives, ni aux précautions de salut public contre les prêtres réfractaires ou turbulents et contre tous ceux qui tenteraient d'abuser du prétexte de la religion pour compromettre la cause de la liberté.

Elle n'entend pas non plus fournir à qui que ce soit aucun prétexte d'inquiéter le patriotisme et de ralentir l'essor de l'esprit public. [Two days later these words were added: La Convention n'entend pas non plus improuver ce qui a été fait ces derniers jours en vertu des arrêtés des représentants du peuple. Inasmuch as the measures to which they refer were expressly aimed against religion, the inconsistency and irony of the whole document are self-evident.]

La Convention invite tous les bons citoyens, au nom de la patrie, à abstenir de toutes disputes théologiques ou étrangères aux grands intérêts du peuple français, pour concourir de tous leurs moyens au triomphe de la République et à la ruine de ses ennemis.

L'adresse en forme de réponse aux manifestes des rois ligués contre la République, décrétée par la Convention nationale le 15 frimaire [December fifth], sera réimprimée par les ordres des administrations de district pour être répandue et affichée dans l'étendue de chaque district; elle sera lue, ainsi que le présent décret, au plus prochain jour de décadi, dans les assemblées de commune ou de section, par les officiers municipaux et par les présidents des sections." The decree of Ventose (February, 1795) was the expansion of this idea, a stroke of foreign policy.

IV

THE CONCORDAT. See p. 263

Du 18 Germinal, an X de la République une et indivisible. *Au nom du peuple français, Bonaparte,* premier Consul, *Proclame* loi de la République le décret suivant, rendu par le Corps législatif le 18 germinal an X, conformément à la proposition faite par le Gouvernement le 15 dudit mois, communiquée au Tribunal le même jour.

Decret

La convention passé à Paris, le 26 messidor an IX, entre le Pape et le Gouvernement français, et dont les ratifications ont été échangées à Paris le 23 fructidor an IX [10 septembre 1801], ensemble les articles organiques de ladite convention, les articles organiques des cultes protestans, dont la teneur suit, seront promulgués et exécutés comme des lois de la République.

Convention entre le Gouvernement français et Sa Sainteté Pie VII, échangée le 23 fructidor an IX [10 Septembre 1801]

Le premier Consul de la république française, et sa Sainteté le souverain Pontife *Pie VII*, ont nommé pour leurs plénipotentiaires respectif:

Le premier Consul, les citoyens Joseph Bonaparte, conseiller d'état, Cretet, conseiller d'état, et Bernier, docteur en théologie, curé de Saint-Laud d'Angers, munis de pleins pouvoirs;

Sa Sainteté, son éminence monseigneur Hercule Consalvi, cardinal de la sainte Église romaine, diacre de Sainte-Agathe *ad Suburram,* son secrétaire d'état; Joseph Spina, archevêque de

Corinthe, prélat domestique de sa Sainteté, assistant du trône pontifical, et le père Caselli, théologien consultant de sa Sainteté, pareillement munis de pleins pouvoirs en bonne et due forme;

Lesquels, après l'échange des pleins pouvoirs respectifs, ont arrêté la convention suivante:

Convention entre le Gouvernement français et sa Sainteté Pie VII

Le Gouvernement de la République française reconnaît que la religion catholique, apostolique et romaine, est la religion de la grande majorité des citoyens français.

Sa Sainteté reconnaît également que cette même religion a retiré et attend encore en ce moment le plus grand bien et le plus grand éclat de l'établissement du culte catholique en France, et de la profession particulière qu'en font les Consuls de la République.

En conséquence, d'après cette reconnaissance mutuelle, tant pour le bien de la religion que pour le maintien de la tranquillité intérieure, ils sont convenus de ce qui suit:

Art. Ier. La religion catholique, apostolique et romaine, sera librement exercée en France: son culte sera public, en se conformant aux réglemens de police que le Gouvernement jugera nécessaires pour la tranquillité publique.

II. Il sera fait par le Saint-Siége, de concert avec le Gouvernement, une nouvelle circonscription des diocèses français.

III. Sa Sainteté déclarera aux titulaires des évêchés français, qu'elle attend d'eux avec une ferme confiance, pour le bien de la paix et de l'unité, toute espèce de sacrifices, même celui de leurs siéges.

D'après cette exhortation, s'ils se refusaient à ce sacrifice commandé par le bien de l'Église (refus néanmoins auquel sa Sainteté ne s'attend pas), il sera pourvu, par de nouveaux titulaires, au gouvernement des évêchés de la circonscription nouvelle, de la manière suivante.

IV. Le premier Consul de la République nommera, dans les trois mois qui suivront la publication de la bulle de sa Sainteté, aux archevêchés et évêchés de la circonscription nouvelle. Sa Sainteté conférera l'institution canonique, suivant les formes établies par rapport à la France avant le changement de gouvernement.

V. Les nominations aux évêchés qui vaqueront dans la suite, seront également faites par le premier Consul, et l'institution canonique sera donnée par le Saint-Siége, en conformité de l'article précédent.

VI. Les évêques, avant d'entrer en fonctions, prêteront directement, entre les mains du premier Consul, le serment de fidélité qui était en usage avant le changement de gouvernement, exprimé dans les termes suivans:

"Je jure et promets à Dieu, sur les saints évangiles, de garder obéissance et fidélité au Gouvernement établi par la Constitution de la République française. Je promets aussi de n'avoir aucune intelligence, de n'assister à aucun conseil, de n'entretenir aucune ligue, soit au-dedans, soit au-dehors, qui soit contraire à la tranquillité publique; et si, dans mon diocèse ou ailleurs, j'apprends qu'il se trame quelque chose au préjudice de l'État, je le ferai savoir au Gouvernement."

VII. Les ecclésiastiques du second ordre prêteront le même serment entre les mains des autorités civiles désignées par le Gouvernement.

VIII. La formule de prière suivante sera récitée à la fin de l'office divin, dans toutes les églises catholiques de France:

Domine, salvam fac Rempublicam;
Domine, salvos fac Consules.

IX. Les évêques feront une nouvelle circonscription des paroisses de leurs diocèses, qui n'aura d'effet que d'après le consentement du Gouvernement.

X. Les évêques nommeront aux cures.

Leur choix ne pourra tomber que sur des personnes agréées par le Gouvernement.

XI. Les évêques pourront avoir un chapitre dans leur cathédrale, et un séminaire pour leur diocèse, sans que le Gouvernement s'oblige à les doter.

XII. Toutes les églises, métropolitaines, cathédrales, paroissiales, et autres non aliénées, nécessaires au culte, seront remises à la disposition des évêques.

XIII. Sa Sainteté, pour le bien de la paix et l'heureux rétablissement de la religion catholique, déclare que ni elle, ni ses successeurs, ne troubleront en aucune manière les acquéreurs des biens ecclésiastiques aliénés, et qu'en conséquence, la propriété de ces mêmes biens, les droits et revenus y attachés, demeureront incommutables entre leurs mains ou celles de leurs ayants-cause.

XIV. Le Gouvernement assurera un traitement convenable aux évêques et aux curés dont les diocèses et les paroisses seront compris dans la circonscription nouvelle.

XV. Le Gouvernement prendra également des mesures pour

que les catholiques français puissent, s'ils le veulent, faire en faveur des églises, des fondations.

XVI. Sa Sainteté reconnaît dans le premier Consul de la République française, les mêmes droits et prérogatives dont jouissait près d'elle l'ancien gouvernement.

XVII. Il est convenu entre les parties contractantes que, dans le cas où quelqu'un des successeurs du premier Consul actuel ne serait pas catholique, les droits et prérogatives mentionnés dans l'article ci-dessus, et la nomination aux évêchés seront réglés, par rapport à lui, par une nouvelle convention.

Fait à Paris, le 26 Messidor an IX.

Signé Joseph Bonaparte [L.S.]. Hercules, Cardinalis Consalvi [L.S.]. Cretet [L.S.]. Joseph, archiep. Corinthi [L.S.]. Bernier [L.S.]. F. Carolus Caselli [L.S.].

THE ORGANIC ARTICLES

Articles Organiques *de la Convention du 26 Messidor an IX*

TITRE Ier

Du régime de l'Église catholique dans ses rapports généraux avec les droits et la police de l'État

ART. Ier. Aucune bulle, bref, rescrit, décret, mandat, provision, signature servant de provision, ni autres expéditions de la cour de Rome, même ne concernant que les particuliers, ne pourront être reçus, publiés, imprimés, ni autrement mis à exécution, sans l'autorisation du Gouvernement.

II. Aucun individu se disant nonce, légat, vicaire ou commissaire apostolique, ou se prévalant de toute autre dénomination, ne pourra, sans la même autorisation, exercer sur le sol français ni ailleurs, aucune fonction relative aux affaires de l'église gallicane.

III. Les décrets des synodes étrangers, même ceux des conciles généraux, ne pourront être publiés en France avant que le Gouvernement en ait examiné la forme, leur conformité avec les lois, droits et franchises de la République française, et tout ce qui, dans leur publication, pourrait altérer ou intéresser la tranquillité publique.

IV. Aucun concile national ou métropolitain, aucun synode diocésain, aucune assemblée délibérante n'aura lieu sans la permission expresse du Gouvernement.

V. Toutes les fonctions ecclésiastiques seront gratuites, sauf les oblations qui seraient autorisées et fixées par les réglemens.

VI. Il y aura recours au conseil d'état, dans tous les cas d'abus de la part des supérieurs et autres personnes ecclésiastiques.

Les cas d'abus sont, l'usurpation ou l'excès de pouvoir, la contravention aux lois et réglemens de la République, l'infraction des règles consacrées par les canons reçus en France, l'attentat aux libertés, franchises et coutumes de l'église gallicane, et toute entreprise ou tout procédé, qui, dans l'exercice du culte, peut compromettre l'honneur des citoyens, troubler arbitrairement leur conscience, dégénérer contre eux en oppression ou en injure, ou en scandale public.

VII. Il y aura pareillement recours au conseil d'état, s'il est porté atteinte à l'exercice public du culte et à la liberté que les lois et les réglemens garantissent à ses ministres.

VIII. Le recours compétera à toute personne intéressée. A défaut de plainte particulière, il sera exercé d'office par les préfets.

Le fonctionnaire public, l'ecclésiastique ou la personne qui voudra exercer ce recours, adressera un mémoire détaillé et signé, au conseiller d'état chargé de toutes les affaires concernant les cultes, lequel sera tenu de prendre, dans le plus court délai, tous les renseignemens convenables; et, sur son rapport, l'affaire sera suivie et définitivement terminée dans la forme administrative, ou renvoyée, selon l'exigence des cas, aux autorités compétentes.

TITRE II

Des Ministres

Section première

Dispositions générales

IX. Le culte catholique sera exercé sous la direction des archevêques et évêques dans leurs diocèses, et sous celle des curés dans leurs paroisses.

X. Tout privilége portant exemption ou attribution de la juridiction épiscopale, est aboli.

XI. Les archevêques et évêques pourront, avec l'autorisation du Gouvernement, établir dans leurs diocèses des chapitres cathédraux et des séminaires. Tous autres établissemens ecclésiastiques sont supprimés.

XII. Il sera libre aux archevêques et évêques d'ajouter à leur nom, le titre de *Citoyen* ou celui de *Monsieur*. Toutes autres qualifications sont interdites.

Section II

Des Archevêques ou Métropolitains

XIII. Les archevêques consacreront et installeront leurs suffragans. En cas d'empêchement ou de refus de leur part, ils seront suppléés par le plus ancien évêque de l'arrondissement métropolitain.

XIV. Ils veilleront au maintien de la foi et de la discipline dans les diocèses dépendans de leur métropole.

XV. Ils connaîtront des réclamations et des plaintes portées contre la conduite et les décisions des évêques suffragans.

Section III

Des Évêques, des Vicaires généraux et des Séminaires

XVI. On ne pourra être nommé évêque avant l'âge de trente ans, et si on n'est originaire Français.

XVII. Avant l'expédition de l'arrêté de nomination, celui ou ceux qui seront proposés, seront tenus de rapporter une attestation de bonne vie et mœurs, expédiée par l'évêque dans le diocèse duquel ils auront exercé les fonctions du ministère ecclésiastique; et ils seront examinés sur leur doctrine par un évêque et deux prêtres, qui seront commis par le premier Consul, lesquels adresseront le résultat de leur examen au conseiller d'état chargé de toutes les affaires concernant les cultes.

XVIII. Le prêtre nommé par le premier Consul fera les diligences pour rapporter l'institution du Pape.

Il ne pourra exercer aucune fonction, avant que la bulle portant son institution ait reçu l'attache du Gouvernement, et qu'il ait prêté en personne le serment prescrit par la convention passée entre le Gouvernement français et le Saint-Siége.

Ce serment sera prêté au premier Consul; il en sera dressé procès-verbal par le secrétaire d'état.

XIX. Les évêques nommeront et institueront les curés. Néanmoins ils ne manifesteront leur nomination et ils ne donneront l'institution canonique, qu'après que cette nomination aura été agréée par le premier Consul.

XX. Ils seront tenus de résider dans leurs diocèses; ils ne pourront en sortir qu'avec la permission du premier Consul.

XXI. Chaque évêque pourra nommer deux vicaires généraux, et chaque archevêque pourra en nommer trois: ils les choisiront parmi les prêtres ayant les qualités requises pour être évêques.

XXII. Ils visiteront annuellement en personne une partie de leur diocèse, et, dans l'espace de cinq ans, le diocèse entier.

En cas d'empêchement légitime, la visite sera faite par un vicaire général.

XXIII. Les évêques seront chargés de l'organisation de leurs séminaires, et les réglemens de cette organisation seront soumis à l'approbation du premier Consul.

XXIV. Ceux qui seront choisis pour l'enseignement dans les séminaires, souscriront la déclaration faite par le clergé de France en 1682, et publiée par un édit de la même année: ils se soumettront à y enseigner la doctrine qui y est contenue, et les évêques adresseront une expédition en forme de cette soumission, au conseiller d'état chargé de toutes les affaires concernant les cultes.

XXV. Les évêques enverront, toutes les années, à ce conseiller d'état, le nom des personnes qui étudieront dans les séminaires, et qui se destineront à l'état ecclésiastique.

XXVI. Ils ne pourront ordonner aucun ecclésiastique, s'il ne justifie d'une propriété produisant au moins un revenu annuel de trois cents francs, s'il n'a atteint l'âge de vingt-cinq ans, et s'il ne réunit les qualités requises par les canons reçus en France.

Les évêques ne feront aucune ordination avant que le nombre des personnes à ordonner ait été soumis au Gouvernement et par lui agréé.

Section IV

Des Curés

XXVII. Les curés ne pourront entrer en fonctions qu'après avoir prêté, entre les mains du préfet, le serment prescrit par la

convention passée entre le Gouvernement et le Saint-Siége. Il sera dressé procès-verbal de cette prestation, par le secrétaire général de la préfecture, et copie collationnée leur en sera delivrée.

XXVIII. Ils seront mis en possession par le curé ou le prêtre que l'évêque désignera.

XXIX. Ils seront tenus de résider dans leurs paroisses.

XXX. Les curés seront immédiatement soumis aux évêques dans l'exercice de leurs fonctions.

XXXI. Les vicaires et desservans exerceront leur ministère, sous la surveillance et la direction des curés.

Ils seront approuvés par l'évêque et révocables par lui.

XXXII. Aucun étranger ne pourra être employé dans les fonctions du ministère ecclésiastique sans la permission du Gouvernement.

XXXIII. Toute fonction est interdite à tout ecclésiastique, même français, qui n'appartient à aucun diocèse.

XXXIV. Un prêtre ne pourra quitter son diocèse pour aller desservir dans un autre, sans la permission de son évêque.

Section V

Des Chapitres cathédraux, et du gouvernement des Diocèses pendant la vacance du Siége

XXXV. Les archevêques et évêques qui voudront user de la faculté qui leur est donné d'établir des chapitres, ne pourront le faire sans avoir rapporté l'autorisation du Gouvernement, tant pour l'établissement lui-même, que pour le nombre et le choix des ecclésiastiques destinés à les former.

XXXVI. Pendant la vacance des siéges, il sera pourvu par le métropolitain, et, à son défaut, par le plus ancien des évêques suffragans, au gouvernement des diocèses.

Les vicaires généraux de ces diocèses continueront leur fonctions, même après la mort de l'évêque, jusqu'à son remplacement.

XXXVII. Les métropolitains, les chapitres cathédraux, seront tenus, sans délai, de donner avis au Gouvernement de la vacance des siéges, et des mesures qui auront été prises pour le gouvernement des diocèses vacans.

XXXVIII. Les vicaires généraux qui gouverneront pendant la vacance, ainsi les métropolitains ou capitulaires, ne se permettront aucune innovation dans les usages et coutumes des diocèses.

TITRE III

Du Culte

XXXIX. Il n'y aura qu'une liturgie et un catéchisme pour toutes les églises catholiques de France.

XL. Aucun curé ne pourra ordonner des prières publiques extraordinaires dans sa paroisse, sans la permission spéciale de l'évêque.

XLI. Aucune fête, à l'exception du dimanche, ne pourra être établie sans la permission du Gouvernement.

XLII. Les ecclésiastiques useront, dans les cérémonies religieuses, des habits et ornemens convenables à leur titre: ils ne pourront dans aucun cas, ni sous aucun prétexte, prendre la couleur et les marques distinctives réservées aux évêques.

XLIII. Tous les ecclésiastiques seront habillés à la française et en noir.

Les évêques pourront joindre à ce costume, la croix pastorale et les bas violets.

XLIV. Les chapelles domestiques, les oratoires particuliers, ne pourront être établis sans une permission expresse du Gouvernement, accordée sur la demande de l'évêque.

XLV. Aucune cérémonie religieuse n'aura lieu hors des édifices consacrés au culte catholique, dans les villes où il y a des temples destinés à différens cultes.

XLVI. Le même temple ne pourra être consacré qu'à un même culte.

XLVII. Il y aura, dans les cathédrales et paroisses, une place distinguée pour les individus catholiques qui remplissent les autorités civiles et militaires.

XLVIII. L'évêque se concertera avec le préfet pour régler la manière d'appeler les fidèles au service divin par le son des cloches. On ne pourra les sonner pour toute autre cause, sans la permission de la police locale.

XLIX. Lorsque le Gouvernement ordonnera des prières publiques, les évêques se concerteront avec le préfet et le commandant militaire du lieu, pour le jour, l'heure et le mode d'exécution de ces ordonnances.

L. Les prédications solennelles appelées *sermons*, et celles connues sous le nom de *stations* de l'avent et du carême, ne seront faites que par des prêtres qui en auront obtenu une autorisation spéciale de l'évêque.

LI. Les curés, aux prônes des messes paroissiales, prieront et feront prier pour la prospérité de la République française et pour les Consuls.

LII. Ils ne se permettront dans leurs instructions, aucune inculpation directe ou indirecte, soit contre les personnes, soit contre les autres cultes autorisés dans l'État.

LIII. Ils ne feront au prône aucune publication étrangère à l'exercice du culte, si ce n'est celles qui seront ordonnées par le Gouvernement.

LIV. Ils ne donneront la bénédiction nuptiale qu'à ceux qui justifieront, en bonne et due forme, avoir contracté mariage devant l'officier civil.

LV. Les registres tenus par les ministres du culte, n'étant et ne pouvant être relatifs qu'à l'administration des sacremens, ne pourront, dans aucun cas, suppléer les registres ordonnés par la loi pour constater l'état civil des Français.

LVI. Dans tous les actes ecclésiastiques et religieux, on sera obligé de se servir du calendrier d'équinoxe établi par les lois de la République; on désignera les jours par les noms qu'ils avaient dans le calendrier des solstices.

LVII. Le repos des fonctionnaires publics sera fixé au dimanche.

TITRE IV

De la circonscription des Archevêchés, des Évêchés et des Paroisses; des édifices destinés au Culte, et du traitement des Ministres

Section Ire

De la circonscription des Archevêchés et des Évêchés

LVIII. Il y aura en France dix archevêchés ou métropoles, et cinquante évêchés.

LIX. La circonscription des métropoles et des diocèses sera faite conformement au tableau ci-joint. (The table of dioceses and diocesan towns is too long for insertion here. It can be found in all the standard hand-books.)

Section II

De la circonscription des Paroisses

LX. Il y aura au moins une paroisse dans chaque justice de paix.

Il sera établi autant de succursales que le besoin pourra l'exiger.

LXI. Chaque évêque, de concert avec le préfet, réglera le nombre et l'étendue de ces succursales. Les plans arrêtés seront soumis au Gouvernement, et ne pourront être mis à exécution sans son autorisation.

LXII. Aucune partie du territoire français ne pourra être erigée en cure ou en succursale sans l'autorisation expresse du Gouvernement.

LXIII. Les prêtres desservant les succursales sont nommés par les évêques.

Section III

Du traitement des Ministres

LXIV. Le traitement des archevêques sera de 15,000 fr.

LXV. Le traitement des évêques sera de 10,000 fr.

LXVI. Les curés seront distribués en deux classes.

Le traitement des curés de la première classe sera porté à 1500 francs; celui des curés de la seconde classe, à 1000 francs.

LXVII. Les pensions dont ils jouissent en exécution des lois de l'Assemblée constituante, seront précomptées sur leur traitement.

Les conseils généraux des grandes communes pourront, sur leurs biens ruraux ou sur leurs octrois, leur accorder une augmentation de traitement, si les circonstances l'exigent.

LXVIII. Les vicaires et desservans seront choisis parmi les ecclésiastiques pensionnés en exécution des lois de l'Assemblée constituante.

Le montant de ces pensions et le produit des oblations formeront leur traitement.

LXIX. Les évêques rédigeront les projets de réglement relatifs aux oblations que les ministres du culte sont autorisés à recevoir pour l'administration des sacremens. Les projets de réglement rédigés par les évêques, ne pourront être publiés, ni autrement

mis à exécution, qu'après avoir été approuvés par le Gouvernement.

LXX. Tout ecclésiastique pensionnaire de l'État sera privé de sa pension, s'il refuse, sans cause légitime, les fonctions qui pourront lui être confiées.

LXXI. Les conseils généraux de département sont autorisés à procurer aux archevêques et évêques un logement convenable.

LXXII. Les presbytères et les jardins attenans, non aliénés, seront rendus aux curés et aux desservans des succursales. A défaut de ces presbytères, les conseils généraux des communes sont autorisés à leur procurer un logement et un jardin.

LXXIII. Les fondations qui ont pour objet l'entretien des ministres et l'exercice du culte, ne pourront consister qu'en rentes constituées sur l'État; elles seront acceptées par l'évêque diocésain, et ne pourront être exécutées sans l'autorisation du Gouvernement.

LXXIV. Les immeubles, autres que les édifices destinés au logement et les jardins attenans, ne pourront être affectés à des titres ecclésiastiques, ni possédés par les ministres du culte à raison de leurs fonctions.

Section IV

Des Édifices destinés au Culte

LXXV. Les édifices anciennement destinés au culte catholique, actuellement dans les mains de la nation, à raison d'un édifice par cure et par succursale, seront mis à la disposition des évêques par arrêtés du préfet du département. Une expédition de ces arrêtés sera adressée au conseiller d'état chargé de toutes les affaires concernant les cultes.

LXXVI. Il sera établi des fabriques pour veiller à l'entretien et à la conservation des temples, à l'administration des aumônes.

LXXVII. Dans les paroisses où il n'y aura point d'édifice disponible pour le culte, l'évêque se concertera avec le préfet pour la désignation d'un édifice convenable.

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